



1964

The Acts of Jamaica, 1963

Jamaica

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THE ACTS OF JAMAICA

PASSED IN THE YEAR 1963

PUBLISHED BY AUTHORITY

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1964



WITHDRAWN
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THE ACTS OF JAMAICA

PASSED IN THE YEAR 1963

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1963

PUBLISHED BY AUTHORITY

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(Came into operation on 22.1.63)

1. An Act to Amend the Harbours Law.

(Came into operation on 22.1.63)

2. An Act to Confer on the University of the West Indies the exemptions from taxation formerly enjoyed by the University College of the West Indies.

(Came into operation on 26.2.63)

3. An Act to Amend the Government Securities Law, 1962.

(Came into operation on 1.4.63)

4. An Act to Provide for the protection of watersheds and areas adjoining watersheds and by that means to promote the conservation of water resources.

(Came into operation on 18.3.63)

5. An Act to Amend the Holidays with Pay Law.

(Came into operation on)

6. An Act to Amend the Election Petitions Law.

(Came into operation on 21.2.61)

7. An Act to Amend the Road Traffic Law.

(Came into operation on)

8. An Act to Provide for the determination of questions about the validity of appointments to the Senate and the vacating of seats by members of either House of Parliament.

(Came into operation on 1.1.63)

9. An Act to Amend the Income Tax Law, 1954.

(Came into operation on 22.8.63)

10. An Act to Provide for the establishment of a corporate body to be called the National Water Authority, for the performance by that body of functions relating to the supply of water; and for purposes incidental thereto or connected therewith.

(Came into operation on 28.3.63)

11. An Act for the Incorporation of The Shiloh Apostolic Church of Jamaica and for the vesting of property in the Body so Incorporated.

(Came into operation on 28.3.63)

12. An Act to provide for the incorporation of The Jamaica Mutual Life Assurance Society and to provide for the control and management of the Society as a mutual life assurance society and for other purposes.

(Came into operation on 11.6.63)

13. An Act to Postpone the holding of a General Election under the Parish Councils Law and for purposes connected therewith and related thereto.

VII

(Came into operation on 11.6.63)

14. An Act to Postpone the holding of a General Election under the Kingston and St. Andrew Corporation Law and for purposes connected therewith and related thereto.

(Came into operation on 11.6.63)

15. An Act to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1964, and to appropriate the supplies granted in this Session of Parliament.

(Came into operation on 20.6.63)

16. An Act to Amend the Stamp Duty Law.

(Came into operation on 20.6.63)

17. An Act Further to Amend the Road Traffic Law.

(Came into operation on 25.6.63)

18. An Act to Amend the Tourist Board Law, 1954.

(Came into operation on 1.8.63)

19. An Act to Amend the Government Savings Bank Law.

(Came into operation on 16.9.63)

20. An Act to Amend the Hospitals (Public) Law.

(Came into operation on 9.3.64)

21. An Act to Amend the Processed Food Law, 1955.

(Came into operation on 22.7.63)

22. An Act to Amend the Jamaica Broadcasting Corporation Law, 1958.

(Came into operation on 22.7.63)

23. An Act to Amend the Estate Duty Law.

(Came into operation on 22.7.63)

24. An Act to Amend the Bastardy Law.

(Came into operation on 22.7.63)

25. An Act to Amend the Maintenance Law.

(Came into operation on 1.11.63)

26. An Act to Provide for the imposition and collection of a tax from persons travelling out of Jamaica and for matters incidental thereto or connected therewith.

(Came into operation on 1.12.63)

27. An Act to Provide for the establishment of a Corporation to be known as the Agricultural Marketing Corporation, for the powers of the Corporation and for matters connected therewith or incidental thereto.

(Came into operation on 27.7.63)

28. An Act to Amend the Trade Law, 1955.

VIII

- (Came into operation on 31.5.63)
29. An Act to Postpone the preparation under the Representation of the People Law of the official lists of electors.
- (Came into operation on 6.8.63)
30. An Act to Amend the Sugar (Reserve Funds) Law.
- (Came into operation on 1.4.63)
31. An Act to Amend the Industrial Development Corporation Law.
- (Came into operation on 6.8.63)
32. An Act to Confirm and Validate the Acts of the Negril Area Land Authority, purported to have been performed as the local planning authority for the area described in the Town and Country Planning (Negril and Green Island Area) Development Order, 1958 between the 15th day of September, 1961 and the 18th day of January, 1963, and to indemnify the persons concerned against legal proceedings.
- (Came into operation on 6.8.63)
33. An Act to Validate the acts of certain persons who purported to exercise the functions of members of the Mid-Clarendon Irrigation Authority under the Irrigation Law, and to indemnify the said persons against legal proceedings.
- (Came into operation on)
34. An Act to Amend the Jamaica Social Welfare Commission Law, 1958.
- (Came into operation on 15.8.63)
35. An Act to Amend the Towns and Communities Law.
- (Came into operation on 24.4.62)
36. An Act to Amend the Jamaica Youth Corps Law, 1956.
- (Came into operation on 15.8.63)
37. An Act to Amend the Marine Board Law.
- (Came into operation on 1.12.63)
38. An Act to Amend the Harbour Fees and Light Dues Law.
- (Came into operation on 30.11.63)
39. An Act to Amend the Scientific Research Council Law, 1960.
- (Came into operation on 15.8.63)
40. An Act to Amend the Judicature (Resident Magistrates) Law.
- (Came into operation on 15.8.63)
41. An Act to Amend the Cocoa Industry Board Law, 1957.
- (Came into operation on 5.11.63)
42. An Act to Make Special Provisions in relation to the mode of trial and punishment of certain offences, and for related purposes.

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(Came into operation on 10.12.63)

43. An Act to Allow and Confirm Certain Expenditure incurred in the Financial Year 1957-58.

(Came into operation on 10.12.63)

44. An Act to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1959 and to appropriate the sum so applied and to allow and confirm certain expenditure.

(Came into operation on 10.12.63)

45. An Act to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1960, and to appropriate the sum so applied.

(Came into operation on 10.12.63)

46. An Act to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1961, and to appropriate the sum so applied.

(Came into operation on 10.12.63)

47. An Act to Amend the Defamation Law, 1961.

(Came into operation on 1.2.64)

48. An Act to Amend the Banking Law, 1960.

(Came into operation on 10.12.63)

49. An Act to Amend the Loans (Temporary Borrowings) Law, 1957.

(Came into operation on 14.12.63)

50. An Act to Amend the Judicature (Supreme Court) Law.

(Came into operation on 26.12.63)

51. An Act to Amend the Local Registered Stock Law.

(Came into operation on 26.12.63)

52. An Act to Amend the Debentures (Local) Law.

(Came into operation on 9.12.62)

53. An Act to Make provision as to the operation of the law consequent on Tanganyika having become a Republic within the Commonwealth.

(Came into operation on 1.1.64)

54. An Act to Amend the Representation of the People Law.

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Cap. 35	Read and construed as one with Section 10 amended by	Act 24 of 1963
Cap. 47	Reference made to by	Act 47 of 1963
Cap. 69	Reference made to by	Act 12 of 1963
Cap. 81	Reference made to by	Act 4 of 1963
Cap. 83	Amended by the insertion next after section 22 of new section as section 22A, by	Act 42 of 1963
Cap. 89	Section 5 amended by	Act 2 of 1963
	Reference made to by	Act 26 of 1963
Cap. 92	Read and construed as one with Section 2 amended by Section 3 amended by Section 5 amended by Amended by the addition thereto next after section 5 of new section as section 5A, by Section 7 amended by Amended by the addition thereto next after section 8 of new section as section 9, by	Act 52 of 1963
Cap. 105	Reference made to by	Act 35 of 1963
Cap. 107	Read and construed as one with Section 2 amended by Section 3 amended by Section 4 amended by Section 6 amended by Section 9 amended by Section 16 amended by Section 17 amended by Section 20 amended by Amended by the insertion after section 21 of new section as section 21A, by Section 23 amended by Section 29 amended by Section 30 amended by	Act 6 of 1963

XI

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Cap. 139	Read and construed as one with Section 11 amended by Section 12 amended by Section 14 amended by	Act 19 of 1963
Cap. 143	Read and construed as one with Section 2 amended by Sections 3 and 4 repealed and replaced by Section 5 amended by Section 8 amended by Section 9 amended by Amended by the addition of new sections as sections 14 and 15, by Schedule repealed by	Act 38 of 1963
Cap. 145	Read and construed as one with Section 19 repealed and replaced by	Act 1 of 1963
Cap. 149	Read and construed as one with Section 4 amended by	Act 5 of 1963
Cap. 150	Read and construed as one with Sections 2, 3 and 4 repealed and replaced by Section 7 repealed by Section 8 amended by	Act 20 of 1963
Cap. 160	Read and construed as one with Section 3 amended by Section 10 amended by Section 33 amended by	Act 31 of 1963
Cap. 165	Reference made to by Reference made to by Reference made to by	Act 4 of 1963 Act 31 of 1963 Act 54 of 1963
Cap. 168	Reference made to by	Act 33 of 1963
Cap. 179	Read and construed as one with Section 4 amended by	Act 40 of 1963
	Section 268 amended by	Act 42 of 1963
Cap. 180	Reference made to by	Act 8 of 1963

XII

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
	Read and construed as one with Section 6 amended by	Act 50 of 1963
Cap. 189	Amended by the insertion next after section 86 of new section as section 87, by	Act 42 of 1963
Cap. 192	Section 123 amended by	Act 2 of 1963
	Reference made to by	Act 10 of 1963
	Read and construed as one with Section 14(1) modified by	Act 14 of 1963
Cap. 204	Reference made to by	Act 10 of 1963
Cap. 205	Reference made to by	Act 4 of 1963
Cap. 212	Reference made to by Section 12 amended by Section 34 amended by Section 36 amended by Section 37 amended by	Act 42 of 1963
Cap. 229	Read and construed as one with Section 2 amended by Section 3 amended by Section 6 amended by Section 18 repealed and replaced by Section 21 amended by Section 22 amended by Section 23 amended by Section 28 amended by Section 31 repealed and replaced by	Act 51 of 1963
Cap. 232	Read and construed as one with Section 8 amended by Amended by the insertion next after section 8 of new section as section 8A, by Section 9 repealed and replaced by Section 12 amended by Amended by the addition of new section as section 15, by	Act 25 of 1963

XIII

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Cap. 236	Read and construed as one with } Section 63 amended by }	Act 37 of 1963
Cap. 268	Reference made to by } Section 39 repealed and } replaced by } Section 43 amended by } Section 44 amended by } Section 45 amended by }	Act 42 of 1963
Cap. 270	Reference made to by	Act 10 of 1963
Cap. 271	Read and construed as one with } Section 6(1) modified by }	Act 13 of 1963
Cap. 276	Section 13 amended by	Act 2 of 1963
Cap. 285	Reference made to by	Act 27 of 1963
Cap. 286	Reference made to by	Act 27 of 1963
Cap. 305	Section 3 amended by } Section 7 deleted by }	Act 42 of 1963
Cap. 312	Section 9 amended by	Act 2 of 1963
Cap. 342	Section 59 amended by	Act 8 of 1963
	Read and construed as one with } Section 8 modified by }	Act 29 of 1963

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
	<p>Read and construed as one with Section 2 amended by Section 6 repealed and replaced by Section 7 amended by Section 8 repealed and replaced by Section 9 amended by Amended by the insertion therein immediately after section 9 of new sections as sections 9A and 9B, by Section 10 amended by Section 11 amended by Section 12 amended by Section 14 amended by Section 15 amended by Section 16 repealed and replaced by Section 27 amended by Section 37 amended by Section 39 amended by Section 41 amended by Section 50 amended by Section 51 amended by Section 71 amended by Section 72 amended by Section 73 amended by Section 74 amended by Section 76 amended by Section 77 amended by Section 79 repealed by Section 96 repealed and replaced by Amended by the insertion therein immediately after section 96 of new sections as sections 96A and 96B, by Section 97 amended by Section 98 repealed and replaced by Section 103 amended by Section 105 amended by Section 110 amended by Section 112 amended by Section 114 amended by Section 115 amended by Section 119 amended by Section 120 amended by Section 121 amended by First Schedule repealed and re- placed by Second Schedule amended by Fifth Schedule amended by</p>	<p>Act 54 of 1963</p>

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Cap. 346	Read and construed as one with Section 9 amended by	Act 7 of 1963
	Read and construed as one with Section 9 amended by Section 14(1) amended by Section 84(2) amended by	Act 17 of 1963
Cap. 366	Schedule amended by	Act 2 of 1963
	Read and construed as one with Schedule amended by	Act 16 of 1963
Cap. 373	Read and construed as one with Section 2 amended by Amended by the addition of new section as section 10, by	Act 30 of 1963
Cap. 375	Reference made to by	Act 26 of 1963
Cap. 382	Second Schedule amended by	Act 2 of 1963
Cap. 384	Read and construed as one with Section 16 repealed and replaced by Amended by the addition of new section as section 16A, by Section 17 amended by	Act 35 of 1963
Cap. 405	Reference made to by	Act 4 of 1963
Law 59 of 1954	Read and construed as one with Section 2 amended by Section 6 amended by Section 7 amended by Section 8 amended by Section 12 amended by Section 29 amended by Amended by the insertion next after section 29 of new section as section 29A, by Amended by the deletion of the words "Governor in Council" and the substitution therefor of the word "Minister", by Amended by the deletion of the words "British subject" and the substitution therefor of the words "Commonwealth citizen" by	Act 9 of 1963

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
	Section 7 amended by	Act 10 of 1963
Law 60 of 1954	Read and construed as one with Amended by the insertion of new Part as Part III, by	Act 23 of 1963
Law 61 of 1954	Read and construed as one with Section 2 amended by Section 3 amended by Section 4 repealed and replaced by Section 5 repealed by Amended by the insertion next after section 7 of new section as section 8, by Section 11 amended by Section 12 amended by Section 13 repealed by Section 15 amended by Section 16 repealed by Sections 17 and 18 repealed and replaced by Section 19 repealed by Section 21 repealed and replaced by Section 24 repealed and replaced by Section 25 amended by	Act 18 of 1963
Law 4 of 1955	Read and construed as one with Section 5 amended by Section 6 amended by Amended by the addition thereto of new section as section 16, by Amended by the addition of a Schedule, by	Act 28 of 1963
Law 32 of 1955	Read and construed as one with Long title amended by Section 2 amended by Section 5(1) amended by Section 8 amended by Section 10 amended by Section 12 amended by Section 13(1) amended by Section 14 repealed and replaced by Section 16 amended by Section 18 amended by	Act 21 of 1963

XVII

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Law 57 of 1956	Read and construed as one with Section 2 amended by	Act 36 of 1963
Law 73 of 1956	Reference made to by	Act 4 of 1963
Law 6 of 1957	Reference made to by	Act 43 of 1963
Law 21 of 1957	Read and construed as one with Section 2 amended by Section 16 amended by	Act 41 of 1963
Law 34 of 1957	Read and construed as one with Section 2 amended by Section 3 amended by Section 4 amended by Section 5 amended by Section 6 amended by	Act 49 of 1963
Law 42 of 1957	Reference made to by	Act 32 of 1963
Law 17 of 1958	Reference made to by Section 2 amended by	Act 10 of 1963
Law 30 of 1958	Reference made to by	Act 44 of 1963
Law 33 of 1958	Read and construed as one with Section 2 amended by Section 3 repealed and replaced by Section 5 amended by Section 6 repealed by Section 15 repealed by Schedule repealed by	Act 34 of 1963
Law 65 of 1958	Read and construed as one with Section 3 amended by Section 8 amended by	Act 22 of 1963
Law 31 of 1959	Reference made to by	Act 45 of 1963
Law 22 of 1960	Reference made to by	Act 46 of 1963
Law 30 of 1960	Read and construed as one with Section 3 amended by Section 6 amended by Section 8 amended by Section 12 amended by	Act 39 of 1963

XVIII

Statutes Repealed, Amended or otherwise Affected by Acts 1 to 54 of 1963

Statutes repealed or affected	How Affected	Number of Act
Law 31 of 1960	Read and construed as one with Section 2 amended by Section 12 amended by	Act 48 of 1963
Law 33 of 1961	Read and construed as one with Section 2 amended by Section 12 amended by Schedule amended by	
Law 19 of 1962	Read and construed as one with Section 3 amended by	Act 3 of 1963
<i>Revised Edition, 1938</i>		
Cap. 312	Repealed by	Act 12 of 1963
Cap. 313	Repealed by	Act 12 of 1963

List of Laws and Acts passed in previous years and not proclaimed up to 31st December, 1963

1950

Law 19 of 1950 The Phosphates (Control of Exportation) Law, 1950

1951

Law 6 of 1951 The Stamp Duty (Bills of Exchange) (Higher Rate) (No. 2) Law, 1951

1959

Law 13 of 1959 The Port Authority Law, 1959

1961

Law 32 of 1961 The Clean Air Law, 1961
Law 35 of 1961 The Harbour Lights and Lighthouses (Amendment) Law, 1961

1962

Law 7 of 1962 The Traffic Court (Amendment) Law, 1962
Act 2 of 1962 The West Indies Shipping Corporation (Application of Interim Commissioner Order) Act, 1962
Act 5 of 1962 The Dental (Amendment) Act, 1962

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List of Laws and Acts proclaimed during 1963

		<u>Gazette</u>	<u>Operation</u>
Law 72 of 1960	The Jamaica Constabulary Force Band Law, 1960	28.2.63	28.2.63
Law 33 of 1961	The Defamation Law, 1961	30.4.63	30.4.63
Act 7 of 1962	The Trade (Amendment) Act, 1962	2.1.63	2.1.63
Act 9 of 1962	The Petroleum Filling Stations Regulation (Amendment) Act, 1962	2.1.63	2.1.63
Act 4 of 1963	The Watersheds Protection Act, 1963 ..	1.4.63	1.4.63
Act 10 of 1963	The National Water Authority Act, 1963 ..	22.8.63	22.8.63
Act 18 of 1963	The Tourist Board (Amendment) Act, 1963 ..	25.6.63	25.6.63
Act 19 of 1963	The Government Savings Bank (Amendment) Act, 1963	25.7.63	1.8.63
Act 20 of 1963	The Hospitals (Public) (Amendment) Act, 1963	19.9.63	16.9.63
Act 26 of 1963	The Travel Tax Act, 1963	29.10.63	1.11.63
Act 27 of 1963	The Agricultural Marketing Corporation Act, 1963	28.11.63	1.12.63
Act 38 of 1963	The Harbour Fees and Light Dues (Amendment) Act, 1963	2.12.63	1.12.63
Act 39 of 1963	The Scientific Research Council (Amendment) Act, 1963	28.11.63	30.11.63
Act 54 of 1963	The Representation of the People (Amendment) Act, 1963	28.12.63	1.1.64

List of Acts passed in 1963 but not proclaimed up to 31st December, 1963

Act 6 of 1963	The Election Petitions (Amendment) Act, 1963
Act 8 of 1963	The Parliament (Membership Questions) Act, 1963
Act 21 of 1963	The Processed Food (Amendment) Act, 1963
Act 34 of 1963	The Jamaica Social Welfare Commission (Amendment) Act, 1963
Act 48 of 1963	The Banking (Amendment) Act, 1963

No. 1—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

18th January, 1963

AN ACT to Amend the Harbours Law.

[22nd January, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Harbours (Amendment) Act, 1963, and shall be read and construed as one with the Harbours Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construction.
Cap. 145.

2—Section 19 of the principal Law is hereby repealed and the following substituted therefor—

"Penalties
for throw-
ing mud,
oil etc.
into har-
bour.

19—(1) If any captain of any vessel or any other person shall throw or deposit, or permit to be thrown or deposited—

Repeal and
replacement
of section
19 of prin-
cipal Law.

(a) any rubbish, earth, mud, stone, sand, ballast or other similar matter; or

(b) any oil or mixture containing oil or oil residues,

in any channel leading into or out of any harbour, or in any place within the limits of any harbour other than such place therein as shall be set apart for such purpose he shall be liable to a penalty not exceeding one thousand pounds.

(2) For the purposes of this section—

“oil” means oil of any description and includes spirit produced from oil of any description and also includes coal tar;

“oil residues” means any waste material consisting of, or arising from, oil or a mixture containing oil.”.

No. 2—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

18th January, 1963

AN ACT to Confer on the University of the West Indies the exemptions from taxation formerly enjoyed by the University College of the West Indies.

[22nd January, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the University of the West Indies (Tax Exemption) Act, 1963. Short title.

2—From and after the twenty-ninth day of June, 1962, the University of the West Indies shall be entitled to enjoy all the exemptions from customs duties, stamp duties, rates and taxes which the University College of the West Indies was entitled, immediately before the said twenty-ninth day of June, 1962, to enjoy, and accordingly the Tax exemptions in respect of University of the West Indies.

Schedule.

enactments specified in the first column of the Schedule are hereby amended in the respects specified in the second column thereof.

SCHEDULE

(Section 2)

Enactments	Amendments
The Customs Law (Cap. 89) section 5 subsection (2)	Delete the word "College" wherever it appears.
The Kingston and Saint Andrew Corporation Law (Cap. 192) section 123 subsection (1)	Delete from paragraph (c) the word "College".
The Parochial Rates and Finance Law (Cap. 276) section 13 subsection (1)	Delete from paragraph (c) the word "College".
The Property Tax Law (Cap. 312) section 9 subsection (1)	Delete from paragraph (c) the word "College".
The Stamp Duty Law (Cap. 366) Schedule	Delete from the head "General Exemptions from all Stamp Duties" the words "University College of the West Indies." and substitute therefor the words "University of the West Indies."
The Tonnage Tax Law (Cap. 382) Second Schedule	Delete from item (q) the word "College" wherever it appears.

JAMAICA

No. 3—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

26th February, 1963

AN ACT to Amend the Government Securities Law, 1962

[26th February, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Government Securities (Amendment) Act, 1963, and shall be read and construed as one with the Government Securities Law, 1962, hereinafter referred to as the principal Law.

Short title
and con-
struction.

Law 19 of
1962.

2—Section 3 of the principal Law is hereby amended by inserting next after the words “Colonial Stock Act, 1900,” the words “and to all securities issued after the commence-

Amendment
of section
3 of prin-
cipal Law.

Act 3 of
1963.

ment of the Government Securities (Amendment) Act, 1963, but prior to the 1st day of January, 1964, in the United Kingdom on behalf of the Government of Jamaica by the conditions of issue of which it is provided that the provisions of this Law shall apply to them,".

No. 4—1963

I assent,

[L.S.]

C. C. CAMPBELL,

Governor-General

15th of March, 1963

AN ACT to Provide for the protection of watersheds and areas adjoining watersheds and by that means to promote the conservation of water resources.

[The date of any Proclamation issued by the Governor-General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Watersheds Protection Act, 1963, and shall come into operation on a day to be appointed by the Governor-General by proclamation. Short title and commencement

2—In this Act—

“approved scheme” means a scheme approved under section 15;

Interpretation;

“assisted improvement agreement” means an agreement entered into under section 10;

“chairman” means the chairman of the Commission or any person for the time being performing the functions of the chairman;

“claimant” means a person who claims compensation under section 17 or 18;

“Commission” means the Watersheds Protection Commission established under section 3;

“Committee” means a Watersheds Protection Committee constituted under section 22;

“construction parcel” means any parcel of land wholly or partially within a watershed area on which is done or is proposed to be done any improvement work;

“daylight” means the interval between five o’clock in the morning and the succeeding six o’clock in the evening;

“improvement work” means work of any nature which—

(a) is likely to reclaim or rehabilitate any land or to remedy, retard or prevent erosion or other deterioration of land; and

(b) is designed to encourage, assist or secure the conservation of water resources;

“interested person” means any person in whom is vested any estate or interest in possession, remainder or reversion in or interest by way of charge on—

(a) any construction parcel; or

(b) any parcel of land the value of which is likely to be enhanced or diminished or the deterioration of which is likely to be occasioned, prevented, diminished, increased, accelerated or retarded by the

doing of any improvement work upon such parcel or upon any construction parcel;

“owner” means in relation to any construction parcel the person in whom is vested the estate in fee simple in that parcel;

“provisional scheme” means a scheme at any time before it becomes an approved scheme;

“scheme” means a compulsory improvement scheme prepared under this Act;

“Valuation Board” means a Valuation Board constituted under the provisions of the Land Valuation Law, 1956, or, in relation to any parish in respect of which that Law is not in operation, a Board of Assessment established under the provisions of the Valuation Law;

Law 73
of 1956.

Cap. 405.

“watershed area” means an area defined and declared to be a watershed area under section 5.

3—(1) There is hereby established a body to be called the Watersheds Protection Commission which shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act.

Establish-
ment and
incorpora-
tion of
Watersheds
Protection
Commission.

(2) The provisions of the Schedule shall have effect as to the constitution, operations and expenses of the Commission and otherwise in relation thereto.

Schedule.

(3) The seal of the Commission shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

4—It shall be the duty of the Commission with a view to promoting the conservation of water resources to institute such measures and to recommend to the Minister for implementation such programmes as it considers necessary for the protection of those areas which constitute or adjoin the watersheds of the Island.

Duties of
Commission.

Declaration
of watershed
areas.

5—The Minister may upon the recommendation of the Commission by order declare any area defined in the order to be a watershed area for the purposes of this Act.

This Act to
prevail in
watershed
area.

6—During the continuance in force of an order made under section 5, in the watershed area to which that order relates—

- (a) the controls and restrictions imposed by or under this Act shall have effect notwithstanding the provisions of any other enactment; and
- (b) an order made under section 3 of the Land Authorities Law shall for the purposes of sections 15 and 16 of that Law cease to have effect.

Cap. 205.

Prohibition
of fires.

Cap. 81.

7—During the continuance in force of an order made under section 5 the watershed area to which that order relates shall for the purposes of the Country Fires Law be deemed to be an area in relation to which the Minister has made an order under section 6 of that Law, so, however, that an application for a permit under section 7 of that Law in relation to that watershed area may be granted only by a forest officer.

Power of
Commission
to make
regulations.

8—(1) Subject to subsections (2) and (3) the Commission may with the approval of the Minister make regulations for ensuring the proper, efficient and economic utilisation of land in watershed areas with a view to promoting the conservation of water resources, and in particular but without prejudice to the generality of the foregoing may make regulations in relation to watershed areas or any part thereof or any prescribed category of land therein—

- (a) prohibiting, regulating or restricting the planting of any crop specified in the regulations;
- (b) prescribing the conditions to be observed in relation to the planting or cultivation of any crop specified in the regulations;

- (c) prohibiting, regulating or restricting the use of any land for any purpose specified in the regulations;
- (d) prohibiting the adoption in relation to any land of any practices specified in the regulations;
- (e) prohibiting the felling, barking or destruction of any trees or the clearing of vegetation.

(2) A draft of all regulations proposed to be made under subsection (1) shall be published in the *Gazette* so as to permit representations to be made to the Commission by any person concerning any provision of the regulations to which that person objects.

(3) The Commission shall before making the regulations consider and transmit to the Minister every such objection if made in writing within thirty days of the date of publication of the draft regulations.

(4) In this section "category of land" means land of a specified slope, soil type or proximity to a stream, watercourse or spring.

9—(1) Subject to subsection (2) any person authorised in writing by the Commission in that behalf may at any time in daylight—

Powers of inspection.

- (a) enter upon any land within a watershed area for the purpose of—
 - (i) inspecting the condition of the land or of any improvement work thereon;
 - (ii) ascertaining what crops are cultivated or are most suitable to be cultivated upon the land and the conditions under which such crops are so cultivated; or
 - (iii) ascertaining the expediency or otherwise of the doing upon the land of any improvement work;

- (b) inspect the condition of such land or of any improvement work thereon; and
- (c) take such angles, bearings or measurements of the land or samples of the soil upon such land as may be necessary for the purpose for which that person entered upon the land.

(2) A person shall not enter upon any land under the provisions of this section—

- (a) except with the consent of the occupier of the land; or
- (b) unless he has given to the occupier not less than three days' notice of his intention to enter upon such land; or
- (c) if the name or address of the occupier of the land is not known to and cannot reasonably be ascertained by him, unless a period of not less than three days has elapsed since he has posted on or near to the land a notice of his intention to enter upon the land.

Assisted improvement agreement.

10—(1) Subject to subsections (2) and (3), the Commission may enter into an agreement with the owner of any construction parcel and with any other interested person for the carrying out of improvement works in relation to such construction parcel (in this Act referred to as an assisted improvement agreement).

(2) Before entering into any assisted improvement agreement the Commission shall take such steps as it considers reasonable to afford to all interested persons an opportunity of becoming parties to such agreement.

(3) Every assisted improvement agreement may make such provision as may be agreed between the parties thereto as to—

- (a) the work to be done;

- (b) the persons by whom, the place where, the period within which and the manner in which such work is to be done;
- (c) the extent to which and the manner in which any such party is to participate in or contribute to the doing of such work;
- (d) the payment of compensation to any such party who may be prejudiced by the doing of such work;
- (e) the apportionment between the parties to the agreement of the cost of such work and of such compensation; and
- (f) any matter incidental to or connected with any of the foregoing matters.

11—(1) Where the owner of any construction parcel and any interested person in relation to that construction parcel have been afforded an opportunity of entering into an assisted improvement agreement in relation to the doing upon that parcel of any work and have refused or failed within such time as the Commission considers reasonable to enter into such agreement, the Commission in its discretion subject to the provisions of this section may prepare a provisional compulsory improvement scheme for the doing of such work.

Provisional
compulsory
improvement
scheme.

(2) Every provisional scheme shall—

- (a) contain a description in general terms of each construction parcel of such a nature as to enable the situation of that parcel to be readily ascertained, so, however, that it shall not be necessary for any such description to specify the exact boundaries of any construction parcel;
- (b) specify the nature of the work proposed to be done upon each construction parcel;
- (c) describe in general terms the approximate locality upon each construction parcel where it is proposed to do the work; and

- (d) contain an estimate of the aggregate cost of the proposed work.

Notification
of schemes.

12—So soon as may be after the preparation of any provisional scheme the Commission shall cause to be published in not less than three issues of the *Gazette*, and at intervals of not less than seven nor more than ten days in three issues of a daily newspaper printed for sale and published in Jamaica, a notice—

- (a) specifying that the Commission has prepared a provisional scheme;
- (b) specifying the watershed area to which the scheme relates;
- (c) specifying some place within the parish in which the major portion of the improvement works is proposed to be carried out where the scheme and the plan relating thereto may be inspected without fee during such period (not being less than fourteen days after the last publication of the notice in a daily newspaper) as may be specified in such notice upon such days and at such times as may be so specified;
- (d) specifying the name and address of some person from whom copies of the scheme and of the plan relating thereto may be obtained on payment of a reasonable fee specified in such notice; and
- (e) stating that provision is made by section 13 for the making of objections to the scheme.

Objections
to schemes.

13—(1) Subject to subsection (2) any person may object to the confirmation of a provisional scheme in relation to which he is an interested person on the ground that—

- (a) the scheme is impracticable; or
- (b) the scheme is uneconomic; or
- (c) he was not afforded a reasonable opportunity of becoming a party to an assisted improvement

agreement in relation to the doing of the work proposed to be done under the scheme; or

- (d) the terms upon which he was afforded an opportunity of becoming a party to an assisted improvement agreement in relation to the doing of the work proposed to be done under the scheme were unreasonable, or, having regard to the terms upon which other interested persons were afforded an opportunity of becoming parties to such scheme, were inequitable.

(2) Every person who desires to object to any provisional scheme under this section shall give notice in writing to the Commission within fourteen days after the expiration of the period referred to in the notice under paragraph (c) of section 12 of the ground of his objection and of the facts and reasons upon which he relies in support of such objection.

14—So soon as may be after the expiration of the period during which notice of objection to any provisional scheme may be given under section 13 the Commission shall transmit the scheme together with any objections made thereto and the comments of the Commission upon such objections (if any) to the Minister.

Trans-
mission of
scheme to
Minister.

15—Where the Minister is satisfied that the implementation of any provisional scheme is likely to be in the public interest, he may by order declare the scheme, subject to such modifications as may be specified in the order, to be an approved scheme.

Approved
compulsory
improvement
scheme.

16—(1) Where a scheme has been approved under section 15, the Commission may give notice in writing to the owner of any construction parcel—

Procedure
after
approval of
scheme.

- (a) requiring him, within such period as may be specified in the notice (not being less than thirty days from the date of the notice) to elect in writ-

ing whether or no he will enter into an agreement with the Commission for the doing, to the satisfaction of the Commission, within such period and upon such terms and subject to such conditions as may be specified in the agreement, of all the work proposed to be done under the scheme upon his construction parcel; or

- (b) of its intention to enter by its servants or agents upon such construction parcel on the day specified in the notice (not being less than seven days after the date of such notice) for the purpose of doing the work proposed to be done upon such parcel under the scheme; so, however, that the notice referred to in this paragraph shall not be given unless the Commission is satisfied that having regard to all the circumstances of the case it is preferable for the work to be done by the Commission or its servants or agents rather than by the owner of the construction parcel.

(2) Where the owner of any construction parcel enters into an agreement of the nature referred to in subsection (1), the Commission shall make to such owner such payments as may be specified in the agreement entered into between the Commission and the owner at such times and subject to such conditions as may be so specified, and the owner shall do all acts necessary fully and effectually to implement such agreement.

(3) Where the owner of any construction parcel—

- (a) elects not to enter into any agreement of the nature referred to in subsection (1); or
- (b) having elected to enter into such an agreement, fails within thirty days next after the day on which he so elects to enter into such an agreement; or

(c) having entered into such an agreement, fails to complete to the satisfaction of the Commission either—

- (i) all the work to which the agreement relates within the period specified in the agreement for the completion of all such work; or
- (ii) any part of the work to which the agreement relates within the period specified in the agreement for the completion of that part of the work,

the Commission may at any time, after not less than seven days' notice to the owner of such parcel of intention so to do, enter upon such parcel and there do, at its own expense, all the work authorized to be done under the approved scheme and not previously done to the satisfaction of the Commission by the owner of the parcel.

(4) Where the Commission gives the notice referred to in paragraph (b) of subsection (1), the Commission may at any time not being less than seven days after the date on which the notice was given enter upon the construction parcel in relation to which the notice was given and there do, at its own expense, all the work authorized to be done under the scheme.

(5) Where the name or the address of the owner of any construction parcel is not known to the Commission the provisions of subsection (1) shall apply as if there were substituted for the reference to notice in writing to the owner of such parcel a reference to the posting up upon the construction parcel of a notice requiring such owner to enter into an agreement of the nature referred to in subsection (1) or specifying the intention of the Commission to enter thereon for the purpose of doing work authorized to be done under the scheme, as the case may be.

Compensation for substantial diminution in value of affected parcel.

17—(1) Where the value of any parcel of land (in this section referred to as “the affected parcel”) whether situate without or within any watershed area is substantially diminished as a direct consequence of the doing of any improvement work under an assisted improvement agreement or under an approved scheme compensation shall be payable in accordance with the provisions of this section to every person who is an interested person in relation to the affected parcel.

(2) The compensation payable under this section to any interested person in relation to any affected parcel shall be such sum as is agreed between such person and the Commission or in default of agreement determined by the Valuation Board under section 20 to be equivalent to the amount by which the market value of that person’s estate or interest in the affected parcel has been diminished as a direct consequence of the doing of the work in respect of which compensation is payable.

Compensation for loss or damage which does not affect the value of land.

18—(1) Where any person who is an interested person in relation to any construction parcel suffers pecuniary loss or damage as a direct consequence of the doing upon such parcel of any improvement work under an assisted improvement agreement or under an approved scheme other than loss or damage which is of such a nature as substantially to diminish the value of such parcel, compensation shall be payable to such person in accordance with the provisions of this section.

(2) The compensation payable under this section to any interested person in relation to any construction parcel shall be such sum as is agreed between such person and the Commission or in default of agreement determined by the Valuation Board under section 20 to be equivalent to the pecuniary loss suffered by that person as a direct consequence of the doing of the work in respect of which such compensation is payable, so, however, that—

- (a) a person shall not be entitled to receive compensation in respect of any loss or damage suffered by him which might have been avoided by the taking by him of any reasonable steps to mitigate the consequences of the act in respect to the doing of which compensation is claimed;
- (b) in assessing the amount of compensation under this section there shall be set off against the loss or damage sustained by the interested person any increase in the value of that person's land accruing from the carrying out of the improvement work.

19—(1) Every person who desires to claim compensation under section 17 shall give notice in writing to the Commission within two years next after the doing of the work in respect of which he desires to claim compensation, specifying—

Procedure in relation to compensation.

- (a) the parcel of land in respect of which he desires to claim compensation;
- (b) the parcels of land upon which was done the improvement work by reason of the doing of which he desires to claim compensation;
- (c) the manner in which the parcel of land referred to in paragraph (a) has been prejudicially affected by the doing of the work referred to in paragraph (b); and
- (d) the amount which he is prepared to accept in full satisfaction of his claim for compensation under this Act.

(2) Every person who desires to claim compensation under section 18 shall give notice in writing to the Commission within six months next after the occurrence of the loss or damage in respect of which he desires to claim compensation, specifying—

- (a) the nature of the loss or damage suffered by him;

- (b) the date upon which such loss or damage was suffered by him or in the case of a continuing injury the dates between which he suffered such loss or damage; and
- (c) the amount which he is prepared to accept in full satisfaction of his claim for compensation in respect of such loss or damage.

(3) Where the Commission fails within sixty days of the date of the receipt of the notice referred to in subsection (1) or in subsection (2) to pay or to enter into an agreement with the claimant for the payment of the sum specified in such notice or such lesser sum as may be agreed between the Commission and the claimant, the Commission shall notify the claimant in writing of his right to refer his claim for compensation to the Valuation Board and the claimant may at any time within thirty days thereafter give notice in writing to the Commission requiring the Commission to refer his claim for compensation to the Valuation Board, and thereupon the Commission shall refer such claim to the Valuation Board.

Reference
of com-
pensation
claims
to Valuation
Board.

20—(1) So soon as may be after there is referred to the Valuation Board any claim for compensation under section 17 or section 18, the Valuation Board shall appoint a day, time and place for the hearing of such claim and shall notify the Commission and the claimant, and any person who in the opinion of the Valuation Board is likely to be prejudiced by any order which the Valuation Board may make upon the hearing of such claim of the day, time and place so appointed.

(2) Upon the hearing of any claim under subsection (1) the Valuation Board shall afford to every person to whom notice has been given as aforesaid under subsection (1) an opportunity of tendering evidence and of producing any documents relevant to the issue to be determined and of cross-examining any witnesses and of inspecting any

documents called or tendered by any other person to whom the notice under subsection (1) has been given.

(3) Upon the determination of any claim for compensation referred to a Valuation Board under section 19, the Valuation Board shall forthwith give notice to the Commission and to the claimant of their findings in respect of that claim.

21—An appeal shall lie from the decision of a Valuation Board under section 20 of the Court of Appeal.

Appeal to
Court of
Appeal.

22—The Commission may with the approval of the Minister from time to time appoint committees to be known as Watersheds Protection Committees to whom work may be committed by the Commission.

Appointment
of
Watersheds
Protection
Committees

23—It shall be the duty of each Committee to assist the Commission in the performance of its functions with a view to the proper carrying out of the provisions and objects of this Act, and for the purpose of carrying out work committed to it under section 22 a Committee shall, in the watershed area for which it is appointed, have all the powers of the Commission other than—

Functions of
Watersheds
Protection
Committees.

- (a) the power to make regulations; and
- (b) the power to enter into an assisted improvement agreement unless so authorized by the Commission; and
- (c) the power to acquire, hold and dispose of property.

24—(1) The Commission shall keep proper accounts of its receipts, payments, credits and liabilities and shall submit the same from time to time with vouchers to the Auditor General to be audited.

Accounts
and audit
and
estimates.

(2) The Commission shall, on or before the thirty-first day of October in each year, submit to the Minister,

its estimates of revenue and expenditure in respect of the financial year commencing on the first day of April next following.

Annual
report.

25—(1) The Commission shall, as soon as practicable after the end of each financial year, cause to be made and transmit to the Minister a report dealing generally with the activities of the Commission during that financial year, and containing such information relating to the proceedings and policy of the Commission as can be made public without detriment to the interest of the Commission.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the Auditor General's report thereon and on the accounts to be laid on the respective Tables of both Houses of Parliament.

(3) Copies of the Commission's report together with the annual statement of accounts and the Auditor General's report on that statement and on the accounts of the Commission shall be published in such manner as the Minister may direct and shall be made available to the public by the Commission at a reasonable price.

Power of
Minister to
require
returns.

26—The Commission shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Commission, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Power of
Minister to
issue general
directions
in matters
of policy.

27—The Minister may, after consultation with the chairman, give to the Commission such directions of a general character as to the policy to be followed by the Commission in the performance of its functions as appear to the Minister to be necessary in the interest of the Island, and the Commission shall give effect thereto.

28—Any person who—

Officers.

- (a) assaults or obstructs a servant or agent of the Commission acting in the execution of his duty under this Act; or
- (b) wilfully or maliciously destroys, damages, or obstructs any improvement works,

shall be guilty of an offence and liable on summary conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months, and in the case of an offence against paragraph (b) the Resident Magistrate may order the person convicted to pay to the Commission in respect of the destruction of or damage to any improvement works compensation not exceeding two hundred pounds recoverable by distress or in default of distress imprisonment for a term not exceeding twelve months.

29—Notwithstanding the provisions of section 26 of the Interpretation Law regulations made under section 8 may prescribe greater penalties than those specified in the said section 26, so, however, that the maximum penalty that may be imposed by any such regulations shall be a fine of one hundred pounds or imprisonment with or without hard labour for a term of twelve months.

Penalties in regulations.
Cap. 165.**30—This Act shall bind the Crown.**Application
of Act to
Crown.**SCHEDULE**

(Section 3)

1. The Commission shall consist of seven persons to be appointed by the Minister.

Appointment
of members.

2. The Minister may appoint any person to act temporarily in the place of any member of the Commission in the case of the absence or inability to act of such member.

Temporary
appoint-
ments.

3. (1) The Minister shall appoint one of the members of the Commission to be the chairman thereof, and may in the case of the absence or inability to act of the chairman appoint any other member of the Commission to perform the functions of the chairman.

Chairman.

(2) In the case of the absence or inability to act, at any meeting, of the chairman the remaining members of the Commission shall elect one of their number to act as chairman at that meeting.

Tenure of office.

4. (1) The appointment of every member of the Commission shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(2) Every member of the Commission shall be eligible for re-appointment.

(3) Notwithstanding anything to the contrary the Minister may at any time revoke the appointment of the chairman or any member of the Commission.

Resignation.

5. (1) Any member of the Commission, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Commission.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of membership.

6. The names of all members of the Commission as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Authentication of seal and documents.

7. (1) The seal of the Commission shall be authenticated by the signatures of the chairman or one member of the Commission authorized to act in that behalf and the secretary of the Commission.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Commission may be signified under the hand of the chairman or any member authorized to act in that behalf or the secretary of the Commission.

Procedure and meetings.

8. (1) The Commission shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Commission shall determine.

(2) The chairman may at any time call a special meeting of the Commission and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Commission.

(3) The chairman or, in the case of the absence or inability to act of the chairman, the person elected to act as chairman in accordance with the provisions of sub-paragraph (2) of paragraph 3 shall preside at the meetings of the Commission, and when so presiding the chairman or the person elected as aforesaid to act as chairman, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Commission shall be three members of the Commission including the chairman or the person elected to act as chairman as aforesaid.

(5) Subject to the provisions of this Schedule the Commission may regulate its own proceedings.

(6) The validity of any proceeding of the Commission shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the chairman and other members of the Commission such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine.

Remunera-
tion of
members.

10. The funds of the Commission shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament, or such other moneys as may lawfully be paid to the Commission.

Funds of the
Commission.

11. The Commission may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a secretary, and such officers, agents and servants as it thinks necessary for the proper carrying out of its functions:

Power to
appoint
officers,
agents and
servants.

Provided that no salary in excess of the rate of one thousand five hundred pounds per annum shall be assigned to any post without the prior approval of the Minister.

12. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Commission in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

Protection
of members
of Commis-
sion.

(2) Where any member of the Commission is exempt from liability by reason only of the provisions of this paragraph the Commission shall be liable to the extent that it would be if the said member was a servant or agent of the Commission.

13. The office of chairman or member of the Commission shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Office of
chairman or
member not
a public
office.

No. 5—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

15th of March, 1963

AN ACT to Amend the Holidays with Pay Law

[18th March, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Holidays with Pay (Amendment) Act, 1963, and shall be read and construed as one with the Holidays with Pay Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 140.

2—Section 4 of the principal Law is hereby amended by deleting subsection (1) and substituting therefor the following—

Amendment
of section 4
of principal
Law.

“ (1) Subject to the provisions of this Law the Minister may, where he considers it

advisable, appoint Advisory Boards to make recommendations in relation to the grant of holidays with pay, sick leave with pay, gratuities and sick benefit to workers in such occupations as he may specify in respect of each Advisory Board.”.

No. 6—1963

I assent,

[L.S.]

C. C. CAMPBELL,

Governor-General

15th of March, 1963

AN ACT to Amend the Election Petitions Law.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Election Petitions (Amendment) Act, 1963, and shall be read and construed as one with the Election Petitions Law, hereinafter referred to as the principal Law, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title
and con-
struction
and com-
mencement.
Cap. 107.

2—The principal Law is hereby amended in the respects specified in the Schedule.

Amendments
to princi-
pal Law.
Schedule.

SCHEDULE

(Section 2)

- Section 2: Delete the definitions of "The Order in Council", "Constituency" and "Corrupt practices" or "corrupt practice" and substitute therefor the following definitions—
- " "constituency" means an area of Jamaica having separate representation in the House of Representatives;
- "corrupt practice" means bribery, treating and undue influence or any of such offences as defined or recognized by the law of Jamaica;"
- Section 3: Delete paragraphs (1), (2) and (3) and substitute therefor the following—
- "(1) in relation to the House of Representatives by the Clerk of the House of Representatives by authority of a Resolution of that House;
- (2) in relation to the House of Representatives or a Parish Council, by the Attorney General or by any other person."
- Section 4: Add at the end of paragraph (4) the words "except where the petitioner is the Clerk of the House of Representatives or the Attorney General".
- Section 6: Insert after the word "security" where it appears for the first time the words "(if any)".
- Section 9: (a) Insert after the word "shall" the words "subject to any direction given by the Chief Justice".
- (b) Insert after the words "Supreme Court" the words "or in the Court of Appeal, as the case may be,".
- Section 16: Delete the word "Governor" wherever it occurs and substitute therefor the words "Speaker or Deputy Speaker of the House of Representatives".
- Section 17: (a) Delete the word "petition" where it occurs for the third time and substitute therefor the word "petitioner".
- (b) Delete the words "Governor or other person to whom the return has been made, who" and substitute therefor the words "Speaker or Deputy Speaker of the House of Representatives or to the chairman or vice-chairman of the Parish Council, as the case may be and the House of Representatives or the Parish Council, as the case may be".
- Section 20: (a) In paragraph (6) delete the word "Governor" and substitute therefor the words "Speaker of the House of Representatives, or, if the Speaker be the respondent, to the Deputy Speaker".

- (b) Delete from paragraph (6) all the words appearing after the words "Parochial Board" where those words appear for the last time and substitute therefor the words "and subject to an appeal under section 21A the return shall be confirmed or altered, or the writ for a new election shall be issued, as the case may require, in accordance with such determination".
- (c) In paragraphs (7), (8) and (9) delete the word "Governor" wherever it occurs and substitute therefor the words "Speaker or Deputy Speaker of the House of Representatives or to the chairman or vice-chairman of the Parish Council, as the case may be,".
- (d) In paragraph (9) delete the words "the Court" where they occur for the third, fourth and fifth times and substitute therefor the words "the Court of Appeal".

Section 21A: Insert after section 21 the following section as section 21A—

"Appeals. 21A—(1) An appeal shall lie from the determination by a Judge of the Supreme Court on a petition under section 20 to the Court of Appeal whose decision shall be final and conclusive to all intents and purposes.

(2) So much of the provisions of this Law, and with such modifications, as may be prescribed by rules of court shall have effect in relation to an appeal under this section, and to the appellant and respondent in such appeal as they apply to a petition and to the petitioner and respondent in respect of such petition."

Section 23: Insert in subsections (1) and (3) after the words "this Law" the words "and to any directions given by the Chief Justice".

Section 29: Delete the fullstop at the end of the section and substitute therefor a colon and the following proviso—

" Provided that in the event of an appeal any incapacity under this section shall continue until the appeal is determined and thereafter, unless the report is set aside, remain in force for a period of five years from the determination of the appeal except where the Court of Appeal directs that the period of five years shall run from the date of the report."

Section 30: Insert after the word "shall" the words "subject to appeal under section 21A".

No. 7—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th March, 1963

AN ACT to Amend the Road Traffic Law.

[21st February, 1961]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Road Traffic (Amendment) Act, 1963, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall be deemed to have come into operation on the 21st day of February, 1961.

Short title,
construction
and com-
mencement.
Cap. 346.

2—Subsection (1A) of section 9 of the principal Law is hereby amended by deleting therefrom the words "First or Second".

Amendment
of section 9
of principal
Law.

No. 8—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

25th March, 1963

AN ACT to Provide for the determination of questions about the validity of appointments to the Senate and the vacating of seats by members of either House of Parliament.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

WHEREAS by section 44 of the Constitution of Jamaica it is provided amongst other things that any question whether any person has been validly appointed as a member of the Senate or whether any member of either House of Parliament has vacated his seat or is required under the provisions of subsection (3) or subsection (4) of section 41 of that Constitution, to cease to exercise any of his functions as a member, is to be determined by the Supreme Court or, on appeal, by the Court of Appeal whose decision shall be final, in accordance with the provisions of any law for the time being in force in Jamaica:

BE IT THEREFORE ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title
and com-
mencement.

1—This Act may be cited as the Parliament (Membership Questions) Act, 1963 and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Interpre-
tation.

2—In this Act—

“Clerk” means the Clerk of a House;

“costs” includes fees, charges and expenses;

“Court” means the Supreme Court;

“House” means the Senate or the House of Representatives as the context may require;

“member” means a member of a House;

“member concerned” means the member in relation to whom a petition is presented;

“petition” means a petition authorised by this Act;

“prescribed” means prescribed by rules of court.

Reference
of questions
about
appointment
to Senate or
vacancy in
either House.

3—(1) Any question whether—

(a) a person has been validly appointed as a member of the Senate; or

(b) a member of either House—

(i) has vacated his seat therein; or

(ii) is required under subsection (3) or (4) of section 41 of the Constitution of Jamaica to cease to exercise any of his functions as such member,

shall be referred to and determined by the Court in accordance with the provisions of this Act.

(2) Every such reference shall be by petition presented to the Court—

- (a) in relation to the Senate, by the Clerk by authority of a Resolution of the Senate;
- (b) in relation to the House of Representatives by the Clerk by authority of a Resolution of that House;
- (c) in relation to either House by the Attorney General or by any other person.

4—The following matters shall be prescribed in relation to petitions:—

Form, contents and lodgment of petitions.

The form; the matters to be stated therein; the person by whom a petition is to be signed; the manner in which and the time within which a petition is to be lodged in Court; and the manner in which a petition is to be published.

5—(1) Subject to subsection (2) the parties to a petition shall be—

Parties to a petition.

- (a) the petitioner;
- (b) the member concerned; and
- (c) any other person who in the opinion of the Court is interested in the determination of the question referred and who is permitted by the Court to be heard upon the hearing of the reference.

(2) The Attorney General may be a party to a petition; and, where a petition is presented by a person other than the Attorney General, the Attorney General if he is not a party thereto may intervene and (if he intervenes) he or a representative appointed by him shall be entitled to be heard and to adduce such oral or other evidence as he may think material.

6—(1) A person (other than the Clerk or the Attorney General) presenting a petition shall at the time of or within three days after the lodgment in Court of the petition

Security for cost.

give security for all costs that may become payable by him to any witness summoned on his behalf or to any party to the petition.

(2) Security for costs shall be an amount of three hundred pounds and shall be given by recognizance entered into by the prescribed number of sureties, or given otherwise in the prescribed manner.

Service of
petition and
notice.

7—The petitioner shall within the prescribed time cause a copy of the petition together with notice of the nature of the security and the presentation of the petition to be served in the prescribed manner upon—

- (a) the member concerned;
- (b) the Attorney General; and
- (c) such other person as may be prescribed.

Objections
to security.

8—(1) The respondent may within the prescribed time object in writing to any recognizance on the ground that any surety is insufficient or is dead or for want of a sufficient description in the recognizance cannot be found or ascertained, or that a person named in the recognizance has not duly acknowledged the recognizance.

(2) If the objection is allowed the petitioner may within a further prescribed time remove it by the deposit in the prescribed manner of such amount as will in accordance with subsection (3) make the security sufficient or by entering into a new recognizance in accordance with that subsection.

(3) An objection to a recognizance shall be heard and determined by the Registrar of the Court who shall where he allows the objection direct—

- (a) what amount is to be deposited in order to make the security sufficient; or
- (b) if the petitioner so requests, that a new recognizance be entered into to the satisfaction of such Registrar.

(4) If security is not duly given under section 6 or any objection is allowed and not removed as aforesaid no further proceeding shall be had on the petition.

9—On the expiration of the time limited for objections or after objection made and disallowed or removed which-ever last occurs the petition shall be at issue. Petition
at issue.

10—When two or more petitions are presented in respect of the seat of any individual member the Court may order that— Consolida-
tion or
trial to-
gether of
several
petitions.

(a) the petitions be consolidated; or

(b) the petitions be tried together,
and may by such an order make such provisions as respects costs as the Court thinks just.

11—(1) A petition shall be tried by the Court in open court without a jury after notice of the time and place of trial have been given in the prescribed manner. Trial of
petition.

(2) The Court may in its discretion adjourn the trial from time to time but the trial shall, so far as is practicable consistently with the interests of justice in respect of the trial, be continued from day to day on every lawful day until its conclusion.

(3) The trial of a petition shall be proceeded with notwithstanding the prorogation of Parliament.

12—(1) Witnesses shall be summoned and sworn in like manner, as nearly as may be, as in action tried before the Court. Witnesses.

(2) The reasonable expenses incurred by any person in appearing to give evidence at the trial of a petition may be allowed to him according to the scale in force as respects civil actions before the Court, by a certificate of the Registrar of the Court and shall be costs of the petition.

Withdrawal
and abate-
ment of
petition.

13—(1) A petition may not be withdrawn without leave of the Court granted on an application made in the prescribed manner on the prescribed notice and at the prescribed time.

(2) Leave to withdraw a petition shall be granted subject to such conditions as to costs and otherwise as the Court thinks just.

(3) A petition shall be abated by—

- (a) the death of the sole or surviving petitioner;
- (b) the death of the respondent; or
- (c) the dissolution of Parliament,

but such abatement shall not affect the liability of any party to the payment of any costs incurred in respect of any proceeding taken prior to the abatement.

Costs.

14—(1) Except as otherwise provided by or under this Act all costs of and incidental to the presentation of a petition and the proceedings consequent thereon shall be defrayed by the parties to the petition in such manner and such proportions as the Court shall determine; and in particular any costs which in the opinion of the Court have been caused by vexatious conduct, unfounded allegations or unfounded objections on the part of any party, and any needless expenses incurred or caused on the part of any party, may be ordered to be defrayed by the party by whom they have been incurred or caused whether or not that party is on the whole successful.

(2) If—

- (a) any petitioner to a petition neglects or refuses for six months after demand to pay to any witness summoned on his behalf or to any other party any sum certified to be due to that person or party for costs; and
- (b) such neglect or refusal is within one year after the demand proved in the prescribed manner to the satisfaction of the Court,

every person who under section 6 has entered into a recognizance in relation to that petition shall be held to have made default in the recognizance, and the Registrar to the Court shall thereupon certify the recognizance to be forfeited; and the recognizance shall thereupon be enforceable accordingly.

(3) The rules and regulations of the Court with respect to costs to be allowed in actions, causes and matters in the Court shall in principle and so far as practicable apply to the costs of petitions and other proceedings under this Act and the Registrar shall not allow any costs on a scale higher than that allowable in any action, cause or matter in the Court on the higher scale as between solicitor and client.

(4) Any costs or other amounts payable by order of the Court or otherwise under this Act by any person shall be a simple contract debt due by that person to the person to whom they are to be paid and if payable to the Attorney General shall be a debt due to the Crown and in either such case shall be recoverable accordingly.

15—(1) Subject to the provisions of this Act the Court shall in relation to any proceedings brought under this Act have the same power, jurisdiction and authority as if those proceedings were an ordinary action within the jurisdiction of the Court.

Powers of the Court.

(2) Subject to sections 36 and 38 of the Judicature (Supreme Court) Law, any power conferred on the Court by or under this Act may be exercised by a single Judge.

Cap. 180.

16—The service of any summons, notice or other document required or authorised by or under this Act to be served shall be effected in the prescribed manner.

Service of notices and other documents.

Conclusion of
trial of
petition.

17—(1) At the conclusion of the trial of a petition the Court—

- (a) in respect of an appointment to the Senate shall determine whether or not the person was validly appointed;
- (b) in respect of any such question as is referred to in paragraph (b) of subsection (1) of section 3 shall determine—
 - (i) whether the member concerned has or has not vacated his seat; or
 - (ii) whether the member concerned should in accordance with subsection (3) or (4) of section 41 of the Constitution of Jamaica cease to exercise any of his functions,

as the case may be.

(2) The determination on every petition shall be certified by the Court or, in the case of an appeal under section 18, by the Court of Appeal to the Speaker of the House of Representatives or where the Speaker is the respondent, to the Deputy Speaker or, as the case may require, to the Governor-General and to the President of the Senate.

(3) The Speaker of the House of Representatives, or the Deputy Speaker, as the case may be, shall notify the House of the determination on every petition certified by a court to him under subsection (2).

Appeal.

18—(1) An appeal shall lie from the determination on a petition under section 17 to the Court of Appeal whose decision shall be final and conclusive to all intents and purposes.

(2) So much of the provisions of this Act, and with such modifications, as may be prescribed shall have effect in relation to an appeal under this section, and to the appellant and respondent in such appeal as they apply to a petition and to the petitioner and respondent in respect of such petition.

19—Subject to any direction given by the Chief Justice rules of court shall apply to proceedings under this Act, as they apply to actions, causes or matters within the jurisdiction of the Court or of the Court of Appeal as the case may be.

Application
of rules
of court.

20—Where in any proceedings before any other court or tribunal any such question arises as is referred to in section 3 that court or tribunal shall in the prescribed manner refer that question to the Court for its determination under this Act.

Questions
to which
this Act
relates
arising in
other pro-
ceedings.

21—Subsection (2) of section 59 of the Representation of the People Law is hereby amended by inserting after the words "Supreme Court" the words "or of the Court of Appeal".

Amendment
Cap. 342.

No. 9—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

27th March, 1963

AN ACT to Amend the Income Tax Law, 1954.

[1st January, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows :—

1—This Act may be cited as the Income Tax (Amendment) Act, 1963, and shall be read and construed as one with the Income Tax Law, 1954 (hereinafter referred to as the principal Law) and all amendments thereto, and shall except where otherwise provided be deemed to have come into operation on the 1st day of January, 1963.

Short title,
construction
and com-
mencement.
Law 59 of
1954.

2—Subsection (1) of section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section
2 of prin-
cipal Law.

- (a) by deleting from the definition of "Commissioner" the words commencing with "by" and ending with "of" where that word appears for the first time and substituting therefor the word "under";

- (b) by inserting in the definition of "statutory income" next after the words "of section 8" the words "and of donations mentioned in paragraph (q) of section 8".

Amendment
of section
6 of prin-
cipal Law.

3—Section 6 of the principal Law is hereby amended by inserting after subsection (5) the following subsection as subsection (6)—

" (6) Where by virtue of the provisions of this Law tax in respect of profits or gains or income from any source is to be computed by reference to the amount of the profits or gains or income of some period preceding the year of assessment, tax as so computed shall be charged for that year of assessment notwithstanding that no profits or gains or income arise from that source for or within that year of assessment."

Amendment
of section
7 of prin-
cipal Law.

4—(1) Section 7 of the principal Law is hereby amended in the following respects—

- (a) by deleting the colon at the end of paragraph (q) and substituting therefor a semicolon;
- (b) by inserting next after paragraph (q) the following paragraphs—

"(r) such training expenses allowances as may be prescribed by the Commissioner and which are payable out of moneys provided by Parliament to persons who serve on a part-time basis in the Jamaica National Reserve and payments from such moneys by way of bounty to such persons in consideration of their undertaking prescribed training and attaining a prescribed standard of efficiency;

- (s) any allowance to any person in the service of the Crown which is certified by the Minister to represent compensation for the

extra cost of having to live outside the Island in order to perform his duties;

- (t) any education allowance to any person in the service of the Crown in Jamaica which is made pursuant to an agreement between the Government of Jamaica and the Government of the United Kingdom under the Overseas Service Aid Scheme:”.

(2) This section shall be deemed to have come into operation on the 1st day of January, 1962.

5—Section 8 of the principal Law is hereby amended in the following respects—

Amendment
of section
8 of prin-
cipal Law.

- (a) by deleting from paragraph (p) the word “College”;
- (b) by deleting the fullstop at the end of the section and substituting therefor the words “or of the College of Arts, Science and Technology;”;
- (c) by adding the following paragraph as paragraph (q)—

“(q) the amount of any donations made on or after the 1st day of January, 1963, and before the 1st day of January, 1966 to any fund established for the benefit of sufferers from poliomyelitis or from cancer and approved by the Minister by order.”.

6—Subsection (3) of section 12 of the principal Law is hereby amended in the following respects—

Amendment
of section
12 of prin-
cipal Law.

- (a) by deleting the words “whose wife” and substituting therefor the words “where the statutory income includes any earned income of a wife who”;
- (b) by deleting the words “and is in receipt of earned income”.

Amendment
of section
29 of prin-
cipal Law.

7—Section 29 of the principal Law is hereby amended by deleting the word “The” appearing at the beginning of subsection (1) and substituting therefor the words “Subject to section 29A the”.

Insertion of
new section
29A in prin-
cipal Law.

8—The principal Law is hereby amended by inserting next after section 29 the following section as section 29A—

“Separate
assess-
ment.

29A—(1) Where an assessment of the joint income of a husband and wife is being made in accordance with subsection (1) of section 29 and it is found that the statutory income does not exceed the prescribed sum, that subsection shall be deemed not to apply to any earned income of the wife if the condition specified in subsection (2) is fulfilled, and accordingly income tax shall, subject to the provisions of this section, be assessed, charged and recovered on such earned income as if the wife were unmarried.

(2) The condition referred to in subsection (1) is that the separate assessment of the wife's earned income does not result in the aggregate amount of income tax payable by the husband and wife being greater than it would have been but for such separate assessment.

(3) As respects the earned income of a wife which is being separately assessed pursuant to subsection (1) the chargeable income shall be determined without taking into account any deduction provided for in section 12 other than in subsection (1) thereof.

(4) Where but for the fact that the statutory income referred to in subsection (1)

exceeds the prescribed sum a husband and wife would be entitled to have income tax separately assessed on the earned income of the wife pursuant to that subsection, the aggregate amount of income tax payable in respect of such statutory income shall be reduced, where necessary, to a sum equal to the aggregate of—

- (a) the amount by which such statutory income exceeds the prescribed sum; and
- (b) the amount of the tax which would have been payable pursuant to a separate assessment in accordance with the foregoing subsections if the statutory income had amounted to but had not exceeded the prescribed sum.

(5) Where for the purposes of subsection (4) it is necessary to ascertain the amount of tax which would have been payable if the statutory income amounted to but did not exceed the prescribed sum, the wife's portion of the prescribed sum in so far as her earned income is concerned shall be deemed to be that proportion of the prescribed sum which the portion of the statutory income referred to in subsection (1) relating to the wife's earned income bears to that statutory income.

(6) In this section—

“earned income” has the meaning ascribed to that expression in subsection (8) of section 12;

“prescribed sum” means the sum of £1,500 or such other sum as the Minister may from time to time prescribe by order which shall be subject to affirmative resolution of the House of Representatives.”

Minor
amendments
of principal
Law.

9—(1) The principal Law is hereby amended in the following respects—

- (a) by deleting from section 7—
 - (i) the words in paragraph (a) appearing after the word “drawn” and substituting therefor the words “by the Governor-General while on leave”; and
 - (ii) the word “Proclamation” appearing in paragraph (o) and substituting therefor the word “order”;
- (b) by deleting the words “Governor in Council” wherever they occur and all references thereto and substituting therefor the word “Minister” and appropriate references thereto;
- (c) by deleting the words “British subject” wherever they occur and substituting therefor the words “Commonwealth citizen”;
- (d) by deleting from the proviso to subsection (1) of section 64 the word “Imperial” and substituting therefor the words “United Kingdom”.

(2) The amendment to any provision of the principal Law effected by subsection (1) shall be without prejudice to any appointment lawfully made or anything lawfully done by virtue of such provision prior to the commencement of this Act.

THE NATIONAL WATER AUTHORITY ACT, 1963

ARRANGEMENT OF SECTIONS

1. Short title and commencement.
 2. Interpretation.
 3. Establishment and incorporation of National Water Authority.
 4. Functions of the Authority.
 5. Entry on premises.
 6. Acquisition of land.
 7. Power to borrow.
 8. Power to issue securities.
 9. Power of Minister to guarantee loans to Authority.
 10. Power to invest moneys.
 11. Water rates and charges.
 12. Estimates.
 13. Accounts and audit.
 14. Exemption from taxation.
 15. Annual report.
 16. Power of Minister to give policy directions.
 17. Power to make regulations.
 18. Modification of water rates under Parishes Water Supply Law.
 19. Amendment.
 20. Amendment.
- Schedule.

No. 10—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

27th March, 1963

AN ACT to Provide for the establishment of a corporate body to be called the National Water Authority, for the performance by that body of functions relating to the supply of water; and for purposes incidental thereto or connected therewith.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the National Water Authority Act, 1963, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title
and com-
mencement.

Interpre-
tation.**2—In this Act—**

“Authority” means the National Water Authority established under section 3;

“Chairman” means the Chairman of the Authority and includes any person for the time being performing the functions of the Chairman;

“financial year” means such period of twelve months as the Authority with the approval of the Minister may determine to be its financial year, so, however, that the first financial year shall be the period commencing with the commencement of this Act and ending with such day as may be fixed by the Authority with the approval of the Minister;

“functions” includes duties and powers;

“immovable property” includes—

- (a) land;
- (b) buildings and other erections, structures or fixtures affixed to any land or to any building or other erection or structure;
- (c) streams, springs, wells, water and water rights whether held together with, or independently of, any land;
- (d) privileges, liberties, easements and any other rights and advantages whatsoever appertaining or reputed to appertain to any land or to any building or other erection or structure;
- (e) an undivided share in any property hereinbefore set out;

“perform” includes exercise;

“property” includes movable and immovable property;

“water supply services” includes sewerage systems;

“water works” includes streams, springs, wells, pumps, reservoirs, cisterns, tanks, catchments, aqueducts, sluices, mains, pipes, valves, culverts, engines and all machinery, buildings and things for supplying, or used for or in connection with supplying, water, or used for protecting sources of water supply.

3—(1) There is hereby established a body to be called the National Water Authority which shall be a body corporate with perpetual succession and a common seal and with power to acquire, hold and dispose of property, to enter into contracts, to sue and be sued in its said name and to do all things necessary for the purposes of this Act:

Establishment and incorporation of National Water Authority.

Provided that, during the subsistence of a guarantee given under section 9, the Authority shall not alienate, mortgage, charge or demise any of its immovable property without the approval of the Minister responsible for Finance.

(2) The provisions of the Schedule shall have effect as to the constitution, operations and expenses of the Authority and otherwise in relation thereto.

Schedule.

(3) The seal of the Authority shall be authenticated in the manner prescribed in the Schedule and shall be judicially and officially noticed.

4—(1) Subject to the provisions of this Act it shall be the function of the Authority to—

Functions of the Authority.

- (a) prepare and submit to the Minister from time to time proposals for the establishment of an efficient, co-ordinated and economical water supply system capable of meeting the needs for water throughout the Island;
- (b) prepare and submit for the approval of the Minister details of schemes for the development

of water resources and the supply of water in particular areas, and to carry out such schemes when they are approved;

- (c) keep under constant review the quality, reliability and availability of water supply services as a whole and the rates charged for such services and advise the Minister on these and any other matters relating to water supplies in the Island which may be referred to the Authority by the Minister;
- (d) within the limits of its resources provide and improve water supply services throughout the Island;
- (e) maintain and operate water supply services provided by the Authority.

(2) For the purposes of subsection (1) the Authority may—

- (a) purchase water in bulk and sell water either in bulk or to individual consumers;
- (b) acquire any property which the Authority considers necessary or expedient for the purpose of performing its functions under this Act;
- (c) acquire the water works of any Parish Council upon such terms and conditions as may be agreed with the Parish Council subject to the approval of the Minister or in default of agreement determined by the Minister;
- (d) provide for its employees such assistance and facilities as may be necessary for training, education, and research;
- (e) with the approval of the appropriate road authority, add to or alter, as it considers necessary any road, street or lane adjoining or near to land

acquired for the purpose of any water supply service;

- (f) with the approval of the Minister, acquire land for the purpose of adding to or altering any road, street or lane adjoining or near to land acquired for the purpose of any water supply service;
- (g) subject to such notice to the appropriate road authority and to such conditions as may be prescribed, open or break up any road, street or lane for the purpose of laying down, extending, inspecting, altering, renewing or repairing any water works or sewerage system;
- (h) carry on all such activities as may appear to it necessary or expedient for or in connection with the performance of its functions.

(3) Save as provided in the Water Supply Law, 1958, the functions of the Authority under this section shall not extend to the Corporate Area as defined in section 3 of the Kingston and Saint Andrew Corporation Law or to any part thereof.

Law 17 of 1958.

Cap. 192.

5—(1) The Authority or its agents or servants duly authorised in that behalf by the Authority may at any time between the hours of eight o'clock in the morning and six o'clock at night, enter any premises supplied with water by the Authority for the purpose of examining the pipes or means by which such water is supplied to such premises or any appliance or thing used on such premises in connection with such pipes or means of supply or for the purpose of locking off the supply of water from such premises or of restoring the supply of water to such premises.

Entry on premises.

(2) Any person who assaults or obstructs a person acting in the performance of his functions under subsection (1) shall be guilty of an offence and liable on summary

conviction before a Resident Magistrate to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months.

Acquisition
of land.

Cap. 204.

6—(1) Any land (including land with buildings thereon) which the Authority proposes to acquire for the purpose of performing its functions under this Act may, subject to subsection (2) be acquired in accordance with the provisions of the Land Acquisition Law and in relation to such acquisition the purpose aforesaid shall be deemed to be a public purpose.

(2) For the purpose of the acquisition of any land as aforesaid the Land Acquisition Law shall have effect subject to the following modifications—

- (a) for the references in that Law to “the Commissioner” there shall be substituted a reference to “the Authority” (as defined in this Act);
- (b) in paragraph (c) of subsection (2) of section 5 of that Law there shall be inserted after the words “Water Commission” the words “or of the National Water Authority”;
- (c) for the reference in subsection (1) of section 16 of that Law to “the Commissioner of Lands in trust for Her Majesty” there shall be substituted a reference to “the Authority” (as defined in this Act).

Power to
borrow.

7—For the purpose of enabling the Authority to perform its functions under this Act, the Authority may, with the consent of the Minister, borrow money in such manner and subject to such conditions as he may think fit to impose.

8—(1) The Authority may, for the purpose of raising money which it is authorised to borrow under this Act, issue stock, debentures or other securities (hereafter in this Act referred to as “securities”).

Power to
issue
securities.

(2) Such securities and interest and charges thereon may subject to the approval of the Minister responsible for Finance be charged on the property of the Authority or on such part thereof as may be specified in the security.

(3) Subject to the provisions of this Act, any securities created by the Authority under the powers of this Act shall be issued, transferred, dealt with and redeemed according to regulations made by the Minister.

9—(1) With the approval of the House of Representatives signified by resolution, the Minister responsible for Finance may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and the payment of interest and charges on any authorised borrowings of the Authority.

Power of
Minister to
guarantee
loans to
Authority.

(2) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys guaranteed under the provisions of this section or in the payment of interest or charges so guaranteed he shall direct the repayment or, as the case may be, the payment, out of the Consolidated Fund of the amount in respect of which there has been such default and any such repayment or payment shall be a charge on the Consolidated Fund.

(3) The Authority shall make to the Accountant General, at such times and in such manner as the Minister responsible for Finance may direct, payments of such amounts as may be so directed in or towards repayment of any sums issued in fulfilment of any guarantee under this section, and payments of interest on what is outstanding for the time being in respect of any sums so issued at such rate as that Minister may direct, and

different rates of interest may be directed as respects different sums and as respects interest for different periods.

Power to
invest
moneys.

10—All moneys of the Authority not immediately required to be expended in the meeting of any obligations or the performance of any functions of the Authority may be invested in such securities as may be approved either generally or specifically by the Minister responsible for Finance and the Authority may, with the approval of that Minister, sell all or any of such securities.

Water rates
and charges.

11—(1) All rates and charges imposed by the Authority for water sold by the Authority in bulk or direct to consumers, and for services rendered by the Authority, shall be so fixed that, taking one year with another, the revenue derived in any year by the Authority from such sales and services, together with its revenue (if any) in such year from other sources, will be sufficient and only sufficient, as nearly as might be, to pay all remunerations, allowances, salaries, gratuities, working expenses and other outgoings of the Authority properly chargeable to income in that year including the payments falling to be made in such year by the Authority in respect of the interest on, or repayment of, the principal of any money borrowed by the Authority and provision for the redemption of securities issued by the Authority under this Act, and such sums as the Authority may think proper to set aside in that year for reserve fund, expansions, extensions, renewals, depreciation, loans and other like purposes.

(2) The rates and charges under this section may, if the Authority thinks fit, be fixed on different scales for different localities.

(3) Where the rates, charges and fees prescribed pursuant to section 17 are inapplicable nothing in this section shall prevent the Authority from charging by special agreement other rates, charges or fees.

(4) It shall be lawful for the Authority to meet payments of interest falling due in any year from money borrowed, whilst the expenditure out of such moneys remains unremunerative, for such period and subject to such conditions as the Minister may determine.

12—(1) The Authority shall on or before such date and in such form as may be required by the Minister, in each year prepare and submit to the Minister for approval Estimates of the income receivable and expenditure to be incurred during the forthcoming financial year.

(2) All new posts, and any proposed variation in the salary of an existing post, shall be subject to the specific approval of the Minister:

Provided that nothing in this subsection shall apply to any post in respect of which the minimum salary or wage does not exceed such amount as may be specified by the Minister.

(3) No further sum shall be expended during any financial year other than is provided in the Estimates relating to such financial year, unless such sum has been—

- (a) included in a Supplemental Estimate of Expenditure which has received the approval of the Minister; or
- (b) approved generally in relation to a scheme approved by the Minister.

(4) The Authority may, subject to such conditions as may be imposed by the Minister apply savings effected or to be effected on any head of its Estimates or a surplus of actual over estimated receipts to meet deficiencies on any head, so, however, that the total expenditure shall not exceed that approved by the Minister in such Estimates.

Accounts
and audit.

13—(1) The Authority shall keep proper accounts and other records in relation to the business of the Authority and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with the best commercial standards.

(2) The accounts and records shall be kept in such a manner as to secure the provisions of separate information as respects the supply of water, and each of any other main activities or undertakings of the Authority, and to show as far as may be, the financial and operating results of each such activity or undertaking.

(3) The accounts of the Authority shall be audited by an auditor or auditors appointed annually by the Authority and approved by the Minister.

(4) Within four months after the end of each financial year or within such further time as may in special circumstances be allowed by the Minister, the Authority shall send the statement of its accounts referred to in subsection (1) to the Minister, together with a copy of any report made by the auditor on that statement or on the accounts of the Authority.

(5) The auditor's fees and any expenses of the audit shall be paid by the Authority.

(6) The Auditor General shall be entitled, on the direction of the Minister, at all reasonable times to examine the accounts and other records in relation to the business of the Authority.

Exemption
from
taxation.

14—The Authority shall be exempt from—

- (a) payment of any dues or duties under any Customs Law for the time being in force on machinery, including parts and accessories, apparatus, appliances, vehicles, instruments, tools and stores and materials of whatsoever kind imported for the use of the Authority;

- (b) payment of stamp duty under any law for the time being in force relating to stamp duties.

15—(1) The Authority shall, within five months after the end of each financial year or within such further time as may in special circumstances be allowed by the Minister, cause to be made and transmit to the Minister a report dealing generally with the activities of the Authority during that financial year, and containing such information relating to the proceedings and policy of the Authority as can be made public without detriment to the interests of the Authority.

Annual
report.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon and on the accounts to be laid on the Table of the House of Representatives and the Senate.

(3) Copies of the Authority's report together with the annual statement of accounts and the auditor's report on that statement and on the accounts of the Authority shall be published in such manner as the Minister may direct and shall be made available to the public by the Authority at a reasonable price.

16—(1) The Minister may, after consultation with the Chairman, give to the Authority such directions of a general character as to the policy to be followed by the Authority in the performance of its functions as appear to the Minister to be necessary in the interests of the Island and the Authority shall give effect to such directions.

Power of
Minister to
give policy
directions.

(2) The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the property and activities of the Authority, and shall afford to him facilities for verifying such information in such manner and at such times as he may reasonably require.

Power to
make regu-
lations.

17—The Authority may, with the approval of the Minister, make regulations for the better carrying of this Act into effect and, without prejudice to the generality of the powers hereby conferred, may make regulations—

(a) prescribing—

- (i) the rates and charges to be imposed in respect of water supply services provided by the Authority;
- (ii) the areas in which such rates and charges are to be imposed; and
- (iii) the fees payable in respect of any other services properly rendered on account of consumers;

(b) prescribing the forms of applications for the supply of water to consumers, the manner of effecting such supply and the incidence of the charges or fees in respect of the cost of connecting the consumer's premises with the mains;

(c) prescribing the security to be furnished by consumers and the conditions for the discontinuance of the supply in cases where the consumer fails to observe the requirements of this Act or of any regulations made thereunder, or is in arrears with his payments of any proper rates, charges or fees, or where such discontinuance may be considered necessary or advisable;

(d) providing for the recovery of rates, charges and fees payable by consumers;

(e) prescribing offences in relation to the use, misuse or fraudulent use of water supplied by the

Authority, or to interference with any water works or sewerage system belonging to the Authority and the penalties for such offences;

- (f) prescribing anything required by this Act to be prescribed.

18—(1) Where the Authority supplies water within the limits of a water supply district as defined by section 6 of the Parishes Water Supply Law, the Minister may by order provide that any water rates payable under that Law as respects such district may be remitted to such extent and in such circumstances and subject to such conditions as may be specified in the order.

Modifica-
tion of
water rates
under
Parishes
Water Sup-
ply Law.
Cap. 270.

(2) Any order made under subsection (1) shall be subject to negative resolution of the House of Representatives.

19—Section 7 of the Income Tax Law, 1954 is hereby amended by inserting in paragraph (b) next after the words "Water Commission" the words " , of the National Water Authority".

Amendment.
Law 59 of
1954.

20—Section 2 of the Water Supply Law, 1958, is hereby amended by inserting in the definition of "statutory water undertaker" next after the word "means" the words "the National Water Authority established under the National Water Authority Act, 1963,".

Amendment.
Law 17 of
1958.

SCHEDULE

(Section 3)

1. The Authority shall consist of seven persons to be appointed by the Minister, of whom at least one shall be a duly qualified civil engineer, at least one shall be a person with experience in commercial undertakings and two shall be persons nominated by the Association of Local Government Authorities or in default of such nomination selected by the Minister to represent the interests of Local Government Authorities.

Appointment
of members.

2. The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

Temporary
appoint-
ments.

Chairman. 3. (1) The Minister shall appoint one of the members of the Authority to be the Chairman thereof.

(2) The Authority may by instrument in writing direct that subject to such conditions as may be specified in that instrument, such of the functions of the Authority as may be so specified shall (without prejudice to the performance of those functions by the Authority) be performed by the Chairman.

(3) The Minister shall appoint one of the members of the Authority to be the Deputy Chairman thereof.

(4) In the case of the absence or inability to act of the Chairman the Deputy Chairman shall perform the functions of the Chairman.

(5) In the case of the absence or inability to act of the Chairman and the Deputy Chairman the Minister may appoint one of the remaining members of the Authority to perform the functions of the Chairman.

(6) In the case of the absence or inability to act at any meeting of both the Chairman and the Deputy Chairman the remaining members of the Authority shall elect one of their number to act as Chairman at that meeting.

Tenure of office.

4. (1) A member of the Authority shall, subject to the provisions of this Schedule, hold office for such period not exceeding three years as may be specified in the instrument appointing him, and shall be eligible for reappointment.

(2) The Minister may at any time revoke the appointment of any member of the Authority.

Resignation.

5. (1) Any member of the Authority, other than the Chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority.

(2) The Chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Publication of membership.

6. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Authentication of seal and documents.

7. (1) The seal of the Authority shall be authenticated by the signatures of the Chairman or one member of the Authority authorised to act in that behalf and the Secretary of the Authority.

(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Authority may be signified under the hand of the Chairman or any member authorised to act in that behalf or the Secretary of the Authority.

8. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Authority shall determine. Procedure and meetings.

(2) The Chairman may at any time call a special meeting of the Authority and shall call a special meeting to be held within seven days of a written request for that purpose addressed to him by any two members of the Authority.

(3) The Chairman or, in the case of the absence or inability to act of the Chairman, the Deputy Chairman or the person elected to act as Chairman in accordance with the provisions of sub-paragraph (6) of paragraph 3 shall preside at the meetings of the Authority, and when so presiding the Chairman, Deputy Chairman or the person elected as aforesaid to act as Chairman, as the case may be, shall have an original and a casting vote.

(4) The quorum of the Authority shall be three including the Chairman or the Deputy Chairman or the person elected to act as Chairman as aforesaid.

(5) Subject to the provisions of this Schedule the Authority may regulate its own proceedings.

(6) The validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

9. There shall be paid to the Chairman and other members of the Authority such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine. Remuneration of members.

10. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Act by Parliament and such other moneys as may lawfully be paid to the Authority. Funds of the Authority.

11. The Authority may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, a Secretary, and such officers, agents and servants as it considers necessary for the proper performance of its functions. Power to appoint officers, agents and servants.

12. The Authority may with the approval of the Minister make regulations determining generally the conditions of service of officers or servants of the Authority and in particular, but without prejudice to the generality of the foregoing power, may make regulations relating to— Regulations governing conditions of service of officers and servants.

- (a) the appointment, dismissal, discipline, hours of employment, pay and leave of such officers or servants;
- (b) appeals by such officers or servants against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other benefits to or in respect of the service of such officers or servants;

- (d) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable therefrom.

Protection
of members
of Authority.

13. (1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Authority in respect of any act done *bona fide* in pursuance or execution or intended execution of this Act.

(2) Where any member of the Authority is exempt from liability by reason only of the provisions of this paragraph the Authority shall be liable to the extent that it would be if the said member was a servant or agent of the Authority.

Office of
member of
Authority
not public
office for the
purposes of
Chapter V
of the Con-
stitution.

14. The office of member of the Authority shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

JAMAICA

No. 11—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

27th March, 1963

AN ACT for the Incorporation of The Shiloh Apostolic Church of Jamaica and for the vesting of property in the Body so Incorporated.

[28th March, 1963]

WHEREAS the persons hereinafter named and other inhabitants of this Island have been associated together under the name of "The Shiloh Apostolic Church of Jamaica" for the teaching and spreading of the Gospel as taught by them

AND WHEREAS property both real and personal is held or possessed by divers persons so associated in trust or for the benefit or on behalf of The Shiloh Apostolic Church of Jamaica

AND WHEREAS it is expedient and desirable that there should be a corporate body in which may be vested the property already acquired and hereafter to be acquired by the persons so associated and possessed of the powers by this Act conferred:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title: 1.—This Act may be cited as The Shiloh Apostolic Church of Jamaica (Incorporation and Vesting) Act 1963.

Interpretation. 2.—In this Act—
“The Church” means the persons for the time being associated in Jamaica under the name of The Shiloh Apostolic Church of Jamaica.

“The Corporation” means the body incorporated by this Act.

Incorporation of The Shiloh Apostolic Church of Jamaica: 3.—(i) The following persons that is to say Charles Constantine Walsh of Port Maria, President, Thomas Germaine of Frankfield, Assistant President, Christine Agatha Walsh of Port Maria, Treasurer, Oscar Benjamin Richards of Gravel Hill, General Secretary, and their successors for the time being in the respective offices aforesaid are hereby declared, constituted and appointed a Corporation or Body Corporate to have continuance forever and perpetual succession by the name of The Shiloh Apostolic Church of Jamaica and possessed of a Corporate Seal and by that name may sue and be sued in all Courts in this Island.

(ii) No act or proceeding of the Corporation shall be invalidated by reason of any vacancy in the body or in any of the offices mentioned in the preceding subsection or by any defect in the appointment of any person to such office.

(iii) The Seal of the Corporation shall be of such design and pattern as the Corporation may from time to time determine.

(iv) Upon the recording in the Record Office or lodging at the Office of Titles of a Certificate under the Seal of the Corporation of the appointment of any person to any office mentioned in subsection (i) of this section, or of the appointment of any member of the Church to the Body Corporate from time to time in place of the members now holding any office, the person named in such Certificate shall be deemed to be the holder of the office named therein and a member of the Body Corporate until the recording or lodging of a Certificate of the appointment of another person to such office.

4.—No deed or document purporting to be executed by the Corporation shall be of any validity unless it be sealed with the Corporate Seal and signed by not less than three members of the Corporation of which the President or Assistant President shall be one.

Mode of
Execution of
Documents:

5.—(i) All lands and hereditaments mentioned and referred to in the Schedule hereto and all goods, chattels and personal property in Jamaica which are now legally or equitably the property of the Church or are held in trust for the purposes of the Church or are now held or possessed on behalf of the Church by the officials, ministers or members of the Church or any of them or by any person holding under such officials, ministers or members or any of them are hereby transferred to and vested in the Corporation its successors and assigns subject to all trusts, mortgages, charges, rights, reservations or incumbrances (if any) affecting the same or any part thereof.

Realty and
Personalty
vested in the
Church sub-
ject to all
Trusts,
Mortgages,
etc.

(ii) All property real and personal in the Island of Jamaica bequeathed by Will or otherwise given to the said Church by any person for the benefit of the Church shall

be held by, and is hereby vested in, and shall be deemed to be the property of the said Corporation.

Powers:

6.—The Corporation shall have the following powers:—

- (a) To acquire, hold, purchase, lease, possess and enjoy any lands and hereditaments whatsoever in fee simple, for leaseholds, or for any other estate or interest therein, and all property real, personal or mixed;
- (b) To give, grant, let, charge, improve, manage, develop, exchange, lease, mortgage, sell, convey, assign, dispose of, turn to account, or otherwise deal with all or any of the property, both present and future so held or any part thereof;
- (c) To borrow or raise or secure the payment of money in such manner as may be thought fit and in particular by issue of debentures or scripts charged upon all or any of the property (both present and future) held by or vested in the Corporation and to redeem and pay off such securities;
- (d) To appoint an Attorney or Attorneys either generally or for a limited period, and for such purposes and with such powers as may be stated in the Power of Attorney and to revoke any such appointment.

Saving of
Prerogative:

7.—Nothing in this Act shall prejudice or affect the rights of Her Majesty the Queen, Her Heirs and Successors or of any body politic or corporate or of any person or persons, except such as are mentioned in this Act and those claiming by, from, through or under them.

SCHEDULE (Section 5 (i))

COLUMN 1

COLUMN 2

One acre of land more or less at Heart Ease, Alva, St. Ann as described in the receipt mentioned in column 2 hereof	Receipt for £40. 0.0 dated 14th March, 1960, from Leon Wilby in favour of Bishop W. A. Thomas Minister of the Shiloh Apostolic Church of Jamaica
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One-eighth of an acre of land more or less at Hanbury, Manchester as described in the receipt mentioned in column 2 hereof	Receipt for £4 dated 9th April, 1953 from Medorah Facey in favour of the Shiloh Apostolic Church
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One square chain of land at Barbecue Pastures, Manchester, as described in the receipt mentioned in column 2 hereof	Receipt for £1 dated 24th November, 1953 from Headley Grigg in favour of the Shiloh Apostolic Church.
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THE JAMAICA MUTUAL LIFE ASSURANCE SOCIETY ACT

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. (1) Incorporation of Society.
- (2) Application of Companies Law to incorporated Society.
3. Copy of Act to be registered with Deputy Keeper of the Records.
4. (1) Provision for vesting of property in incorporated Society and saving for actions and other proceedings.
- (2) Stamp duty payable thereon.
5. Members not to be personally liable.
6. Costs of Act—provision for.
7. Validation of acts of directors and trustees.
8. Reservation of rights of Her Majesty etc.
9. Repeal.

SCHEDULE

Memorandum of Association

1. Name of the incorporated Society.
2. Registered office.
3. Objects.

Articles of Association

Article

1. Interpretation.
2. Application for membership.
3. Duration of membership.
4. Determination of membership of person assured.
5. Assignees etc. not entitled to membership.
6. Substituted membership.
7. Right to attend meetings and vote thereat.
8. Overdue premiums, non-forfeiture provisions.
- (1) Days of grace.
- (2) Further period of grace in certain cases.
- (3) Automatic assurance.
- (4) Arrears or advances a first charge on sum payable.
- (5) No benefit after lapse.
- (6) Special cases.
9. Alteration in terms or rates of premium.
10. Annual general meeting.
11. When special general meeting to be called.
12. Notice of meeting.
13. Chairman of general meeting.

*Articles of Association, contd.**Article*

14. Vote of chairman of general meeting.
15. (1) Quorum of general meeting.
 (2) In case no quorum.
16. (1) Adjourned general meetings.
 (2) No notice necessary.
 (3) Chairman of adjourned meeting.
 (4) Business of adjourned meeting.
17. Validity of proceedings.
18. Votes of members.
19. Restriction on right to vote.
20. Premiums in arrear.
21. Poll.
22. Proxies permitted.
23. Proxies to be deposited at office.
24. When vote by proxy valid though authority revoked.
25. Form of proxy.
26. Number of directors.
27. First directors.
28. Vacated offices may be filled.
29. Qualification of directors.
30. Directors may act notwithstanding vacancy.
31. Remuneration of directors.
32. Disqualification of directors.
33. Directors may contract with the incorporated Society.
34. Removal of directors.
35. Committees of directors.
36. Meetings of directors.
37. Chairman.
38. Retirement of directors by rotation.
39. (1) Directors to retire—and election of directors.
 (2) Persons eligible for election.
40. General powers of directors.
41. Specific powers given to directors.
42. Directors may appoint local Boards.
43. Directors may appoint trustees.
44. Directors may grant powers of attorney.
45. Indemnity of directors and officers.
46. Execution of deeds policies and other documents
47. Seal.
48. Investment of funds.
49. Power to borrow.
50. Periodical investigation.
51. Participating policies.
52. Actuarial advice.
53. Accounts to be kept.
54. Inspection by members.
55. Annual account and balance sheet.
56. Annual report of directors.
57. Members to be entitled to copies on application.

Articles of Association, contd

Article

- 58. Accounts to be audited annually.
- 59. Election of auditor.
- 60. Powers and duty of auditor.
- 61. Minutes of proceedings.
- 62. How notices to be served.
- 63. Member resident abroad.
- 64. Notice where no address.
- 65. When notice may be given by advertisement.
- 66. When notice by post deemed to be served
- 67. How time to be counted.
- 68. Signatures for incorporated Society on notices

No. 12—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

27th March, 1963

AN ACT to provide for the incorporation of The Jamaica Mutual Life Assurance Society and to provide for the control and management of the Society as a mutual life assurance society and for other purposes.

[28th March, 1963]

WHEREAS by deed of settlement of The Jamaica Mutual Life Assurance Society dated 21st day of March, 1844, and enrolled in the Record Office on the 15th day of August, 1844, in Liber 867 Folio 26 (hereinafter referred to as "the deed of settlement") the several persons named therein formed themselves into a society called or known by the name of The Jamaica Mutual Life Assurance Society (hereinafter referred to as "the Society") in order to carry on the business of making or effecting assurances on lives and survivorships and all such other assurances on events and contingencies either connected with life or otherwise, as may be effected according to Law; and of

granting loans on the security of property, coupled with that of an assurance on the life of the party, and otherwise of granting, purchasing and selling annuities for lives or on survivorship, or otherwise of purchasing life and reversionary interests of every description, and transacting all such other business as properly falls within the scope and objects of a life assurance and reversionary interest Society; and for such purposes to form a common fund by means of contributions from the members and that any surplus arising from such contributions should be apportioned among the members as therein mentioned:

AND WHEREAS provision was made in the deed of settlement for the appointment of Trustees and for the investment of the assets of the Society in the names of the Trustees:

AND WHEREAS by The Jamaica Mutual Life Assurance Society Law, Cap. 312 of the Laws of Jamaica, Revised Edition, 1938, the Society was empowered to sue and be sued in the name of the Chairman or Secretary or any one director of the Society and by the Jamaica Mutual Life Assurance Society's Trustees Vesting Law, Cap. 313 of the Laws of Jamaica, Revised Edition, 1938, provision was made (*inter alia*) for the simplification of the method for transferring assets and vesting the same in new trustees:

AND WHEREAS by the 60th clause of the said deed it was provided that it shall be lawful for the Board of Directors for the time being if they shall think it expedient to apply for a charter of incorporation from the Crown or an Act or Acts of the Legislature of this Island, with such enactments and provisions as they shall think most conducive to the advancement and promotion of the objects of the Society: Provided always that such charter of incorporation or Act or Acts, shall be framed, as far as possible, upon the basis of the deed of settlement:

AND WHEREAS the Board of Directors at an extraordinary meeting of the Board held on the 14th day of September, 1960, considered it expedient to make provision by law for the incorporation of the members of the Society and to make further provision by the same law for passing and transferring all the estate, right title and interest vested in the Trustees, and in all the stocks, funds, securities, real and personal property held by the Trustees in trust for the Society into and for vesting the same in the incorporated Society without the necessity for any formal conveyance or transfer thereof and upon the same trusts, terms and conditions as they were held by the Trustees:

AND WHEREAS it is expedient that the control and management of the incorporated Society should be vested in the members as hereinafter provided:

AND WHEREAS it is desirable to enlarge the objects and powers of the incorporated Society and for this purpose to substitute a memorandum and articles of association for the said deed and the regulations forming part thereof and to repeal the said Laws:

AND WHEREAS these objects cannot be effected without the authority of the Legislature:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

1. This Act may be cited as The Jamaica Mutual Life Assurance Society (Incorporation) Act, 1963. Short title

2. (1) Forthwith upon the commencement of this Act the persons whose names are from time to time inscribed in the register of members shall be deemed to be a company incorporated under the provisions of the Companies Law by the name of The Jamaica Mutual Life Assurance Society (in this Act referred to as "the incorporated Incorporation of Society.
Cap. 69.

Society”) and the memorandum and articles of association set forth in the Schedule shall be the memorandum and articles of association of that Society.

In this subsection “register of members” means the register established by the Society prior to the commencement of this Act wherein is inscribed the names of persons assured under policies which are in force from time to time.

Application
of Companies Law.
Cap. 69.

(2) Save as herein otherwise provided the incorporated Society shall be subject to the provisions of the Companies Law and all statutory modifications thereof, and nothing in this Act contained shall be deemed to prevent the incorporated Society from modifying its memorandum of association or altering its articles of association in manner provided by the Companies Law or any statutory modification thereof.

Copy of
Act to be
registered.

3. (1) The incorporated Society shall deliver to the Deputy Keeper of the Records a copy of this Act printed by the Government Printer and he shall retain and register the same.

(2) There shall be paid to the Deputy Keeper of the Records by the incorporated Society on such copy being registered the like fee as is for the time being payable on the registration of a company’s memorandum and articles of association.

(3) If such copy is not delivered within three months from the commencement of this Act the incorporated Society shall incur a penalty not exceeding two pounds for every day during which default continues, and every director or manager of the incorporated Society who knowingly and wilfully authorises such default shall incur the like penalty.

(4) Every penalty under this section shall be recovered in a Resident Magistrate’s Court summarily.

4. (1) Forthwith upon the commencement of this Act—

- (a) all property real and personal including all interests and rights in to and out of property real and personal which shall at the date of commencement be held by the Trustees or by any other person or persons upon trust or as nominees for the Society shall pass to and vest in the incorporated Society for all the estate and interest of the Trustees or of such person or persons therein;
- (b) all policies bonds and other obligations and generally all debts and liabilities of whatsoever kind made granted issued incurred or undertaken by and valid and subsisting against the Society at the date of such commencement shall be and are hereby declared valid and subsisting against the incorporated Society as if the same had been made granted issued incurred or undertaken by the incorporated Society under the authority of this Act and all existing policies shall entitle the holders thereof to the same benefits secured by the terms of such policies as they would have had against the Society if this Act had not been passed;
- (c) all actions, arbitrations or other proceedings pending or existing at the date of such commencement by with against or in favour of the Society or any person or persons on its behalf shall not abate or be prejudicially affected by such commencement but may be continued or carried on by with against or in favour of the incorporated Society as if it were the said Society and this Act had not been passed;
- (d) all books and documents of or concerning the Society which if this Act had not been passed would have been admitted in evidence shall be

Provision
for vesting
of property
in incor-
porated
Society and
saving for
actions and
other pro-
ceedings.

admitted in evidence as if this Act had not been passed;

- (e) all book and other debts and the full benefit of all securities for such debts, all cash in hand and at the bank with all bills and notes pertaining to the business or otherwise of the Society shall vest in the incorporated Society without any other form of assignment; and
- (f) without prejudice to the foregoing provisions of this subsection the deed of settlement shall cease to have effect.

Stamp duty
thereon.

(2) In lieu of the stamp duties which would have been payable upon the deeds, assurances or transfers which would have been required to pass property and vest the same in the incorporated Society, there shall be paid a stamp duty of five pounds and such duty shall be impressed upon the copy of this Act to be delivered to the Deputy Keeper of Records under section 3 of this Act.

Members
not to be
personally
liable.

5. No member director or officer of the incorporated Society shall be personally liable for any debts due or to become due by the incorporated Society and all creditors and other persons having claims against the incorporated Society shall only be entitled to make such claims effectual against the proper funds of the incorporated Society and shall in no case or event whatever be entitled to make any demand or claim for or on account of the sums due against any member director or officer of the incorporated Society and it shall not be competent to nor in the power of the incorporated Society or the directors or officers thereof or other persons on any account or occasion whatsoever to make any call upon any member of the incorporated Society for any sum of money in addition to the sums payable by such member in terms of this Act under the policy or policies forming the basis of membership of the incorporated Society without the consent of such member first had and obtained.

6. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the incorporated Society.

Costs of Act—
provision for.

7. All acts done in good faith before the passing of this Act by the directors or the Trustees under and by virtue of the deed of settlement in purported exercise of powers and authorities conferred by the said deed or by any regulations made thereunder shall be deemed to have been lawfully done and are hereby confirmed as from the time of the performance of such acts.

Validation of acts of directors and trustees.

8. Nothing herein contained shall affect or be deemed to affect the rights of Her Majesty the Queen her heirs or successors, or of any bodies politic or corporate, or other person or persons, except such as are mentioned or referred to in this Act, and those claiming by, through, from or under them.

Reservation of rights of Her Majesty, etc

9. The following Laws are hereby repealed—

Repeal.

(a) The Jamaica Mutual Life Assurance Society Law;

Cap. 312 of The Laws of Jamaica 1938, Rev. Ed.

(b) The Jamaica Mutual Life Assurance Society's Trustees Vesting Law.

Cap. 313 of The Laws of Jamaica 1938 Rev. Ed.

SCHEDULE

Memorandum of Association of the Jamaica Mutual Life Assurance Society

(Section 2(1)).

1. The name of the incorporated Society is "The Jamaica Mutual Life Assurance Society".

Name.

2. The registered office of the incorporated Society shall be situated in the corporate area of Kingston and Saint Andrew in Jamaica.

Registered Office.

3. The objects for which the incorporated Society is established are—

Objects.

(1) To carry on the business of life assurance in all its branches and in particular to grant or effect assurances of all kinds for payment of money by way of a single payment or by several payments or by way of immediate or deferred annuities or otherwise upon the

happening of all or any of the following events namely the death or marriage or birth or survivorship or failure of issue or the attainment of a given age by any person or persons or the expiration of any fixed or ascertainable period or the occurrence of any contingency or event which would or might be taken to affect the interest whether in possession vested contingent expectant prospective or otherwise of any person or persons in any property or the loss or recovery of contractual or testamentary capacity in any person or persons;

(2) To grant sell and purchase annuities of all kinds whether dependent on human life or otherwise and whether perpetual or terminable and whether immediate or deferred and whether contingent or otherwise;

(3) To contract with leaseholders borrowers lenders annuitants and others for the establishment accumulation provision and payment of sinking funds redemption funds depreciation funds renewal funds endowment funds and any other special funds and that either in consideration of a lump sum or of an annual premium or otherwise and generally on such terms and conditions as may be arranged,

(4) To purchase and deal in and lend money on life, reversionary and other interests in property of all kinds whether absolute or contingent or expectant and whether determinable or not and to acquire lend money on redeem cancel or extinguish by purchase surrender or otherwise any policy annuity security grant or contract issued made or taken over or entered into by the incorporated Society;

(5) To undertake and execute trusts of all kinds in connection with any of the purposes of the incorporated Society and in particular as regards policies granted by the incorporated Society or the moneys payable thereunder;

(6) To act as agents or brokers and as trustees for any person or company and to undertake and perform sub-contracts;

(7) To re-insure or counter-insure all or any risks and to undertake all kinds of re-insurance and counter-insurance connected with any of the business aforesaid;

(8) To hold and retain or to dispose of for the purposes of the incorporated Society all investments securities assets or property real and personal held by the incorporated Society or by others on its behalf;

(9) To purchase take on lease or in exchange hire or otherwise acquire any real or personal property and any rights or privileges which the incorporated Society may think necessary or convenient with reference to any of these objects or capable of being profitably dealt with in connection with any of the incorporated Society's property business or rights for the time being;

(10) To sell exchange mortgage charge lease manage maintain build upon develop or otherwise improve deal with or dispose of the lands of the incorporated Society or any part thereof or any estate or interest therein or relating thereto;

(11) To enter into arrangement with the Government or any authority municipal local or otherwise or any person or company and to obtain from the Government or such authority person or company any rights concessions and privileges that may seem conducive to the objects of the incorporated Society or any of them and to carry out exercise and comply with any such arrangements rights concessions and privileges;

(12) To enter into partnership or into arrangement for sharing profits union of interests joint adventure reciprocal concessions or co-operation or otherwise with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the Society is authorised to carry on or engage in and to take or otherwise acquire and hold shares or stock in or securities of and to subsidise or otherwise assist any such person or company and to make and carry out arrangements for giving the incorporated Society the entire or partial control or management or benefit of the business of any such person or company and to guarantee dividends or interest on shares stock debentures or debenture stock mortgage bonds or securities of any person or company;

(13) To enter into and carry into effect any contract or agreement for purchasing or taking over all or any of the business property rights and liabilities of or amalgamating with or acquiring an interest in any other society association or company carrying on any business or undertaking within the objects of the incorporated Society or for undertaking paying and performing all or any of the assurances annuities and engagements of any such society association or company;

(14) To establish and maintain or procure the establishment and maintenance of any contributory or non-contributory pension or superannuation funds for the benefit of, and give or procure the giving of donations, gratuities, pensions, allowances or emoluments to any persons who are or were at any time in the employment or service of the incorporated Society, or the widows children and dependents of such persons and also to establish and subsidise and subscribe to any institutions, associations, clubs or funds calculated to be for the benefit of or to advance the interests and well being of the incorporated Society and to make payments to or towards the insurance of any such person as aforesaid and to do any of the matters aforesaid either alone or in conjunction with any other person or company;

(15) To draw accept endorse discount execute and issue cheques bills of exchange promissory notes and other negotiable or transferable instruments;

(16) To raise or borrow or secure the payment of money of such amounts in such manner and on such terms as may seem expedient and among other modes by the issue of deposit receipts bonds debentures or debenture stock whether perpetual or redeemable and charged or not charged upon the whole or any part of the property and rights

of the incorporated Society both present and future and to redeem purchase or pay off such securities;

(17) To sell or otherwise dispose of the property assets or under taking of the incorporated Society or any part thereof for such consideration as the incorporated Society may think fit and in particular for shares debentures or other securities of any other company whether or not having objects altogether or in part similar to those of the incorporated Society;

(18) To vest any real or personal property rights or interests acquired by or belonging to the incorporated Society in any person or company on behalf of or for the benefit of the incorporated Society and with or without any declared trust in favour of the incorporated Society;

(19) To promote any company or companies for the purpose of acquiring all or any of the property rights and liabilities of the incorporated Society or for carrying on any business which the incorporated Society is authorised to carry on or for any other purpose that may seem conducive to any of the interests of the incorporated Society and to hold shares or any interest in any such company and to dispose of such shares and interest and to make and carry out arrangements for giving the incorporated Society the entire or partial control or management or benefit of the business of any such company and to guarantee dividends on shares stock debentures mortgages bonds and policies of assurance of any such company;

(20) To invest and deal with the moneys of the incorporated Society in such manner as may from time to time be determined;

(21) To lend or advance moneys and deposit securities and property to and with such persons or companies and on such terms as may seem expedient and to underwrite or guarantee the subscription of any stocks funds shares debentures mortgages or securities and to subscribe for the same conditionally or otherwise;

(22) To procure the incorporated Society to be registered or recognised in any country state or place abroad and to make any investments or deposits and to comply with any conditions necessary or expedient in order to enable the incorporated Society to carry on business in any country state or place abroad and to establish or guarantee local companies or branch offices constituted or regulated under or by local laws for the purpose of carrying on any business which the incorporated Society is authorised to carry on;

(23) To do all or any of the above things in any part of the world and either as principals, agents, trustees, contractors or otherwise and either alone or in conjunction with others and either by or through agents, sub-contractors, trustees or otherwise;

(24) To do all such other things as the incorporated Society may consider incidental or conducive to the attainment of the above objects or any of them.

ARTICLES OF ASSOCIATION OF THE JAMAICA MUTUAL LIFE
ASSURANCE SOCIETY

Preliminary

1. In these Articles unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say— Interpretation.

“company” shall be deemed to include any partnership or other body of persons whether incorporated or not and whether resident in Jamaica or elsewhere;

“the Act” means The Jamaica Mutual Life Assurance Society (Incorporation) Act, 1963.

“member” means a person who is the grantee, or in the case of substituted membership as hereinafter defined the holder, of a subsisting policy of assurance participating in the profits or surplus of the incorporated Society on his own life or on the life of another and where a policy has been granted to more persons than one, “member” means the grantee or surviving grantee for the time being first named in the policy;

“policy” means the deed or document evidencing a contract of assurance or insurance incurred in virtue of the provisions of the law or undertaken by the incorporated Society or in respect of which the incorporated Society is liable for payment of any money on the happening of any contingency or event whether dependent on or connected with life or not;

“group life policy” means a policy granted to an employer or to a trustee or trustees on his behalf to secure assurance benefits for his employees;

“the directors” means the directors for the time being of the incorporated Society;

“the office” means the registered office for the time being of the incorporated Society;

“the secretary” means any duly authorised officer acting as secretary;

“the incorporated Society” means The Jamaica Mutual Life Assurance Society.

2. (1) Every person applying to be admitted a member shall furnish such information and evidence in regard to the application as the directors may require and shall subscribe a declaration in a form approved by the directors. Application for membership.

(2) If the directors accept an application for membership and if the applicant shall duly make payment to the incorporated Society of the first premium or other contribution due under the policy there shall be delivered to him a policy duly executed in accordance with these provisions and thereupon his name shall be inscribed in the register of members.

3. Membership shall subsist in the case of a person assured so long as the conditions of the policy and of these Articles are fulfilled. Duration of membership.

Determina-
tion of
membership
of persons
assured.

4. Membership of a person assured shall cease upon—

- (a) the occurrence of the event or contingency upon which the benefit of the policy arises;
- (b) the occurrence of the event or contingency upon which the policy lapses but so nevertheless that in the event of the policy being revived in accordance with these Articles membership shall likewise revive; and
- (c) the surrender of the policy or the termination of the assurance thereunder for any other cause;

and his name being removed from the register of members.

Assignees
etc. not
entitled to
membership.

5. Except as provided by Article 6 and subject to the conditions therein contained assignment or other transmission of a policy shall not confer membership in respect of such policy and no assignee or transferee whether legal or contractual (including assignees in trust, receivers and trustees in bankruptcy) shall as such be entitled to attend or to vote at meetings of the incorporated Society or to have any voice in its affairs.

Substituted
membership.

6. (1) In any case in which by the terms of a policy which confers membership of the incorporated Society or in consequence of assignment or other transmission some person (hereinafter called "the substitute") other than the existing member in respect of such policy has the right to the benefit secured by such policy the substitute may if the directors think fit and on payment of such costs or otherwise as they may require be admitted a member in respect of the policy in place of and on the same conditions as the existing member provided the substitute supplies proof to the satisfaction of the directors that—

- (a) the whole of the benefit under the policy has become legally vested in him; and
- (b) that the said benefit has been acquired for valuable consideration and that the existing member has consented in writing to the admission of the substitute as a member in place of the existing member.

(2) In this Article "existing member" means the member (whether original or substituted) last admitted to membership of the incorporated Society in respect of the policy.

(3) On admission of a substitute in respect of any policy under this Article the membership of the previously existing member in respect of such policy shall absolutely cease and determine.

Right to
attend
meetings and
vote thereat.

7. Every member who complies with the conditions of his policy and of these Articles shall be entitled to attend and vote at the meetings of the incorporated Society but save as hereinafter provided in Article 22 no person other than a member present personally shall be entitled to vote at the meetings of the incorporated Society.

Overdue Premiums Non-forfeiture Provisions

8. The following provisions shall apply to policies under which a premium is not paid on or before its due date—

- (1) The unpaid premium may be paid without addition in the thirty days (hereinafter called "the days of grace") following

Days of
grace.

such due date, and until the end of the days of grace the policy shall remain in force. If the said premium is unpaid at the end of the days of grace the policy shall lapse forthwith except as provided in sub-paragraph (2) hereof.

- (2) Where two full years' premium have already been paid on the policy at a rate of premium not less than that which would have been charged at the outset of the policy for a whole-life non-participating assurance, the premium if unpaid at the end of the days of grace may be paid at any time during the period of six months thereafter, subject to such interest as the directors may fix by way of fine calculated on a monthly basis, and during the said period of six months the policy shall remain in force. If at the end of the said period the premium is still unpaid the policy shall lapse forthwith except as provided in sub-paragraph (3) hereof. Further period of grace in certain cases.
- (3) If the policy, which would otherwise lapse in terms of sub-paragraph (2) at the end of the six months period therein provided, has then a surrender value, or a balance of surrender value after deducting any existing loan and interest, sufficiently large to cover the arrears of premium (or premiums) and interest to date, the directors shall advance the amount of the arrears as a loan on the policy at such rate or rates of interest compounded yearly or half-yearly as they may fix, and the policy shall remain in force. The directors shall continue to advance premiums and interest as they fall due, until the point is reached at which an addition, then due, to the accumulated loan would cause it to exceed the surrender value, when the policy shall lapse forthwith. Automatic assurance.
- (4) Any premium unpaid or any loan made or interest chargeable in terms of the above provisions shall constitute a first charge on any sum payable to the assured under the policy, and accordingly the surrender value at any time while the policy is in force shall be calculated as if all premiums due up to that time had been paid. Arrears or advance first charge on sum payable.
- (5) After a policy has lapsed all benefit thereunder shall cease and determine and it shall not be competent for the assured to revive such a policy except with the consent of the directors (which they shall have power to withhold at their discretion) and on such terms and conditions, including any evidence of health, as they shall see fit to require. No benefit after lapse.
- (6) (a) A group life policy shall be entitled only to the days of grace. Special cases.
- (b) Where the premium on any policy is payable by monthly instalments these provisions shall not apply to the instalments, but if any instalment is unpaid the said provisions shall be applied as if the policy had been issued by quarterly premiums and as if the quarterly premium of which the unpaid instalment forms a part were itself unpaid.

- (c) For any class of policy to which the foregoing provisions do not clearly apply the directors shall make regulations as nearly as possible consistent therewith.

Alteration in terms or rates of premium

Alteration
in terms
or rates of
premium.

9. No alteration in the incorporated Society's terms or tables of contributions or premiums shall entitle the incorporated Society to require that the altered contributions or premiums shall apply to or that any readjustment of benefits consequential thereon shall be made in respect of a policy held by a member which is already in existence when the alteration takes effect unless such member signifies his consent in writing thereto.

General Meetings

Annual
general
meeting.

10. (1) A general meeting of the members shall be held once in every year on such day as may be determined by the directors not being more than fifteen months after the holding of the immediately preceding annual general meeting. This meeting is herein called the "annual general meeting".

(2) All other meetings of the incorporated Society shall be called "special general meetings".

(3) All general meetings shall be held in the office or in some other convenient place and at such time of day, as the directors may from time to time decide.

When
special
general
meeting
to be called.

11. The directors may whenever they think fit convene a special general meeting and the directors shall, on the requisition in writing signed by twenty-five or more members the sums assured under whose policies amount in the aggregate to not less than £20,000 exclusive of bonuses and any part of the sum assured not entitled to participate in profits, forthwith proceed to convene a special general meeting and the following provisions shall have effect—

- (a) the requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the office and may consist of several documents in like form and signed by one or more requisitionists;
- (b) if the directors do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited the requisitionists or a majority of them may themselves convene the meeting but any meeting so convened shall not be held after three months from the date of such deposit;
- (c) if at any such meeting a resolution requiring confirmation at another meeting is passed the directors shall if necessary forthwith convene a further special general meeting for the purpose of considering and if thought fit of confirming it as a special resolution and if the directors in these circumstances do not proceed within ten days from the date of the

passing of the first resolution to cause such further general meeting to be called the requisitionists or a majority of them may themselves convene the meeting;

- (d) any meeting convened under this Article by the requisitionists shall be convened in the same manner as nearly as possible as that in which meetings are to be convened by directors.

12. Fourteen clear days notice specifying the place day and hour of a general meeting and in case of special business the general nature of such business shall be given by advertisement in one daily newspaper published in Jamaica. Whenever it is intended to pass a special resolution the two meetings may be convened by one and the same advertisement and such advertisement may convene the second meeting contingently on the special resolution being passed by the requisite majority at the first meeting.

Notice of
General
Meeting.

13. The chairman of the Board of directors for the time being, if present, or in his absence the deputy chairman of the Board of directors shall preside at every general meeting and if neither of them be present then the directors shall nominate one of their own number to be chairman of the general meeting. If no director be present or if all the directors present decline to take the chair the members present qualified to vote shall by a show of hands elect as chairman of the general meeting some member qualified to vote.

Chairman
of general
meeting.

14. The chairman of a general meeting shall, in addition to the vote or votes to which he is otherwise entitled have a casting vote both on a show of hands and at a poll if there be an equality of votes.

Vote of
chairman of
general
meeting.

15. (1) Fifteen members personally present and qualified to vote shall constitute the quorum of a general meeting.

Quorum of
general
meeting.

(2) If within half-an-hour after the time appointed for the holding of a general meeting a quorum is not present no business shall be transacted other than the appointment or re-election of directors or re-appointment of the auditors if these are objects of the general meeting and such general meeting shall without further notice be adjourned to the same day in the next week at the same hour and place and if at such adjourned general meeting a quorum is not present those members present entitled to vote shall be deemed to be a quorum and may transact the business for which the general meeting was called.

In case no
quorum.

16. (1) A general meeting may be adjourned by the chairman with the consent of the meeting from time to time and from place to place.

Adjourned
general
meetings.

(2) It shall not be necessary to give notice of any adjournment of a general meeting and an adjourned general meeting shall be deemed to be a continuation of such general meeting.

No notice
necessary.

(3) At an adjourned general meeting the chairman of the general meeting from which such adjournment took place if present and willing to act shall continue in the chair but if such former chairman is not present or not willing to act a new chairman shall be nominated or elected in accordance with the provisions of these Articles.

Chairman
of adjourned
meeting.

Business of
adjourned
meeting.

(4) An adjourned general meeting shall not proceed to any business other than the business left unfinished at the general meeting from which such adjournment took place.

Validity of
proceedings.

17. No resolution of or proceedings at any general meeting shall be invalidated by reason of its being discovered thereafter that one or more of the members attending the same and voting thereat were not qualified to vote.

Votes of Members

Votes of
members.

18. On a show of hands every member present in person shall have one vote and at a poll every member present in person or by proxy shall be entitled to vote according to the following scale—

- (a) as a member under a subsisting policy or policies assuring in the aggregate less than five hundred pounds.....one vote;
- (b) as a member under a subsisting policy or policies assuring in the aggregate at least five hundred pounds but less than one thousand pounds.....two votes;
- (c) as a member under a subsisting policy or policies assuring in the aggregate at least one thousand pounds.....three votes.

In arriving at the amount of any policy for the purposes of this article, there shall be excluded—

- (i) bonuses attaching to the policy; and
- (ii) any part of the sum assured in respect of which the member is not entitled to participate in surplus.

Restriction
on right.

19. Notwithstanding anything herein contained a member shall not be entitled to vote or to take part in a demand for a poll at any meeting of the incorporated Society in respect of a policy which has been in force for less than one year.

Premiums
in arrears.

20. No member shall be entitled to be present or to vote on any question either personally or by proxy or as proxy for another member at any general meeting or upon a poll or be reckoned in a quorum whilst any premium shall be unpaid for sixty days next after it has become due and payable to the incorporated Society by such member in respect of any policy.

Poll.

21. If at any general meeting a poll is demanded by the chairman or by at least ten members personally present, it shall be taken in such manner and at such time and place as the chairman of the meeting directs and either at once or after an interval or adjournment or otherwise and the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded.

Proxies
permitted.

22. Votes may be given either personally or by proxy. The instrument appointing a proxy shall be in writing under the hand of the appointor or his attorney duly authorised in writing or if the appointor is a corporation under its common seal or under the hand of an officer or attorney duly authorised. No person shall be appointed a proxy

who is not a member of the incorporated Society save that a corporation being a member of the incorporated Society may appoint as its proxy any officer of such corporation whether a member of the incorporated Society or not.

23. The instrument appointing a proxy and the power of attorney (if any) under which it is signed shall be deposited at the office not less than forty-eight hours before the time for holding the meeting or adjourned meeting, as the case may be, at which the person named in such instrument proposes to vote and in default the instrument of proxy shall not be treated as valid. No instrument of proxy shall be valid after the expiration of twelve months from the date of its execution except at a second meeting called to confirm a special resolution, or at any adjourned meeting, where the said proxy was valid at the first meeting or at the original meeting as the case may be.

Proxies to
be deposited
at office.

24. (1) A vote given in accordance with the terms of an instrument of proxy shall be valid notwithstanding the previous death of the principal or revocation of the proxy or transfer of the policy or policies in respect of which the vote is given unless an intimation in writing of the death revocation or transfer shall have been received at the office before the meeting.

When vote
by proxy
valid though
authority
revoked.

(2) The instrument appointing a proxy shall be deemed to confer authority to demand or join in demanding a poll.

25. An instrument appointing a proxy shall be in the following form or a form near thereto as circumstances admit—

Form of
proxy.

THE JAMAICA MUTUAL LIFE ASSURANCE SOCIETY

I, _____ of _____
being a member of The Jamaica Mutual Life Assurance Society hereby
appoint _____ of _____
as my proxy to vote for me and on my behalf at the general meeting
of the incorporated Society to be held on the _____ day of _____
and at any meeting to confirm the same
or at any adjournment thereof. The policies which entitle me to
membership are as listed below.

Signed this _____ day of _____
.....
Directors

26. Until otherwise determined by ordinary resolution of a general meeting the number of directors shall not be less than nine or more than twelve: Provided that honorary directors appointed under paragraph (19) of Article 41 shall not be deemed to be included in these numbers.

Number of
directors.

First
directors.

27. (1) The persons hereinafter named shall be the first directors of the incorporated Society that is to say—

John Cameron Breakspeare—Chairman
Douglas Joseph Judah, C.B.E.—Deputy Chairman
James Henderson, J.P.
Vincent Newton Aguilar, J.P.
Greenwich Griffith Roberts Sharp, C.B.E., J.P.
Charles Elliott DeMercado D'Costa, J.P.
George William Nelson Downer, J.P., F.C.A.
Herbert Trench Hart
Sidney Gerald Fletcher

(2) The first directors shall continue to hold office until the annual general meeting of the incorporated Society to be held in 1963.

Vacated
offices may
be filled.

28. (1) The directors shall have power from time to time and at any time to appoint any qualified person as a director either to fill a casual vacancy under Article 32 hereof or as an addition to the Board but so that the total number of directors shall not at any time exceed the maximum number fixed as above and so that no appointment under this Article shall have effect unless a majority of the directors shall concur therein.

(2) A person appointed to fill a casual vacancy shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director.

(3) A person appointed as an additional director shall hold office only until the next following annual general meeting and shall then be eligible for re-election but shall not be taken into account in determining the directors who are to retire by rotation at such meeting.

Qualification
of directors.

29. A person shall not be eligible as a director unless he is and has been for at least one year a member holding a policy or policies on his own life assuring in the aggregate not less than one thousand pounds entitled to participate in profits.

Directors
may act
notwith-
standing
vacancy.

30. The continuing directors may act notwithstanding any vacancy in their body but if and so long as their number is reduced below the number fixed by or pursuant to these Articles as the necessary quorum of directors the continuing directors may act for the purpose of increasing the number of directors to that number or of summoning a general meeting of the incorporated Society but for no other purpose.

Remunera-
tion of
directors.

31. The remuneration of the directors shall from time to time be determined by the incorporated Society in general meeting. The directors may also be paid travelling, hotel and other expenses properly incurred by them in connection with the business of the incorporated Society: Provided however that unless and until otherwise determined by the incorporated Society in general meeting the remuneration as fixed when this Law comes into force shall continue to be paid to the directors and the chairman in the manner prescribed.

32. The office of director shall be vacated if the director—

- (a) becomes bankrupt or makes any arrangement or composition with his creditors generally; or
- (b) ceases to hold the necessary qualification; or
- (c) becomes of unsound mind; or
- (d) resigns his office by notice in writing to the incorporated Society; or
- (e) absents himself from the meetings of the directors for a continuous period of three months without permission of the directors; or
- (f) be removed from his office by a resolution duly passed pursuant to Article 34.

Disqualifica-
tion of
directors.

33. (1) No director shall be disqualified by his office from contracting with the incorporated Society either as vendor purchaser or otherwise nor shall any such contract or any contract or arrangement entered into by or on behalf of the incorporated Society in which any director shall be in any way interested be avoided nor shall any director so contracting or being so interested be liable to account to the incorporated Society for any profit realised by any such contract or arrangement by reason only of such director holding that office or of the fiduciary relations thereby established but the nature of his interest must be disclosed by him at the meeting of the directors at which the contract or arrangement is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest and no director shall as a director vote in respect of any contract or arrangement in which he is so interested as aforesaid and if he does vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the incorporated Society to give to the directors or any of them any security by way of indemnity and it may at any time or times be suspended or relaxed to any extent by a general meeting.

Directors
may contract
with the
incorporated
Society.

(2) A general notice that a director is a member of any specified firm or company and is to be regarded as interested in all transactions with that firm or company shall be a sufficient disclosure under this Article as regards such director and the said transactions after such general notice it shall not be necessary for such director to give a special notice of any particular transaction with that firm or company.

34. The directors at a meeting specially called for the purpose may by a resolution in which not less than three-fourths of the total number of directors for the time being shall concur remove from office a director whose continuance in office shall appear to the directors voting in favour of such resolution to be prejudicial to the interests of the incorporated Society and the directors may if they think fit appoint in his stead a duly qualified member who shall hold office and be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is appointed was last elected a director but shall be eligible for re-election.

Removal of
directors.

Committee
of directors.

35. The directors may delegate any of their powers to committees consisting of such member or members of their body as they may think fit. Any committee so formed shall in the exercise of the powers so delegated conform to any regulations that may be imposed on it by the directors.

Meetings of
directors.

36. (1) Ordinary meetings of the directors shall be held at the office of the incorporated Society but the directors may if they think fit hold their meetings at such other place as they may fix.

(2) The directors until they otherwise determine shall meet at least once a month for regulating and conducting the affairs of the incorporated Society and shall meet at such other times as they shall be duly convened in manner provided by these Articles and they may also meet at such other times and adjourn from time to time as they think fit.

(3) The secretary shall by circular letter addressed to each director call any other stated or occasional meetings which may be fixed by the directors.

(4) The chairman or any two directors may at any time require the secretary to call a meeting of directors.

(5) Until otherwise determined by the directors a quorum of a meeting of directors shall be three:

Provided however that for the purposes of Articles 48 and 49 the quorum shall be five.

(6) A committee of directors shall meet as often as shall be necessary and as the directors shall fix and in the absence of any special instructions by the directors two members of a committee consisting of more than two members shall be a quorum.

(7) All questions at meetings of directors or at meetings of a committee of directors shall be decided by the majority of votes of the directors present. Each director present shall have one vote and the chairman in addition shall have a casting vote if there be an equality of votes.

Chairman.

37. The directors shall elect one of their number to be chairman of their meetings and determine the period for which he is to hold office and may in like manner elect one of their number to be deputy chairman, but in the absence of such chairman and deputy chairman (if any) at any meeting the directors present may choose one of their number to be chairman of the meeting.

Retirement
of directors
by rotation.

38. At the annual general meeting of the incorporated Society to be held in 1963 and at every succeeding annual general meeting one-third of the directors or if their number is not a multiple of three, then the number nearest to but not exceeding one-third, shall retire from office and be eligible for re-election.

Directors
to retire,
and election
of directors.

39. (1) The one-third or other nearest number to retire at the 1963 annual general meeting shall unless the directors agree among themselves, be determined by lot; but in every subsequent annual general meeting the one-third or other nearest number who have been longest in office shall retire. As between two or more who have been in office

an equal length of time the director or directors to retire shall in default of agreement between them be determined by lot. The length of time a director has been in office shall be computed from his last election or appointment where he has previously vacated office. A retiring director shall be eligible for re-election and shall act as a director throughout the meeting at which he retires.

(2) No person other than a director retiring at the meeting shall, unless recommended by the directors, be eligible for election to the office of director at any general meeting unless not less than fourteen days before the date appointed for the meeting there shall have been left at the office of the incorporated Society notice in writing signed by a member duly qualified to attend and vote at the meeting for which such notice is given of his intention to propose such person for election, and also notice in writing signed by that person of his willingness to be elected.

Persons
eligible for
election.

Powers of Directors

40. The management of the affairs of the incorporated Society shall be vested in the directors who may exercise all such powers and do all such acts and things as the incorporated Society is by its memorandum of association or otherwise, authorised to exercise and do, and are not hereby or by law directed or required to be exercised or done by the incorporated Society in general meeting, but subject nevertheless to the provisions of these Articles and to any regulations not being inconsistent with these Articles from time to time made by the incorporated Society in general meeting: Provided that no such regulation shall invalidate any prior act of the directors which would have been valid if such regulation had not been made.

General
powers of
directors.

41. Without prejudice to the general powers conferred by the last preceding Article, and the other powers conferred by these Articles it is hereby expressly declared that the directors shall have the following powers, that is to say, power—

Specific
powers
given to
directors.

- (1) to require every person applying to be admitted a member of the incorporated Society to sign a proposal form with a declaration in writing setting forth such information and evidence as they may require in order that such proposal should form the basis of the contract between the incorporated Society and the applicant;
- (2) to prescribe and from time to time alter and vary forms of proposals and declarations to be signed by persons applying to be admitted as members of the incorporated Society and to effect assurances or annuities of any kind with the incorporated Society and the forms and conditions of policies and other contracts to be issued by the incorporated Society;
- (3) to fix and from time to time to alter the maximum amount of any assurance or annuity to be held at the incorporated Society's own risk;

- (4) to grant and effect assurances and annuities and any other authorised business of the incorporated Society for such amounts and at such rates general or special and on such terms and conditions as they may think fit;
- (5) to allow the surrender or alteration of any policy at such value or on such terms as they may think fit;
- (6) to purchase any policy at such value or on such terms as they may think fit;
- (7) to prescribe and from time to time to vary the rate of interest to be charged by and payable to the incorporated Society in respect of loans on security of the incorporated Society's policies;
- (8) to determine the conditions to be imposed as to overseas travel and residence occupation military naval and air service and otherwise upon which policies may be granted and in what cases such conditions may be modified or dispensed with;
- (9) to suspend waive or dispense with all or any of the terms or conditions attached to any policy in any case or class of cases as they may think fit;
- (10) to settle all claims at such times and in such manner as they may think fit;
- (11) to receive money on deposit from members and other persons for such periods and on such terms and conditions as they may think fit;
- (12) to draw accept and endorse all bills of exchange promissory notes and other negotiable securities cheques and orders for the payment of money in the name or on account of the incorporated Society;
- (13) to commence carry on or bring to an end any class of business which the incorporated Society is authorised to carry on;
- (14) to institute conduct defend compound or abandon any legal proceedings by or against the incorporated Society or its officers or otherwise concerning the affairs of the incorporated Society against or by any person and to compound and allow time for payment or discharge of any debts due and of any claims or demands by or against the incorporated Society;
- (15) to refer to arbitration any claim or demand by or against the incorporated Society and to observe and perform the awards;
- (16) to make alter and repeal rules and bye-laws for the management of the business of the incorporated Society and for regulating the duties and conduct of its officers and other employees and any other matters relating to the incorporated Society that appear to them to require regulation: Provided

that such rules and bye-laws are not repugnant to these presents;

- (17) to appoint and at their discretion remove or suspend such managers medical officers secretaries clerks agents and servants for permanent temporary or special services as they may from time to time think fit and to determine their duties and powers and fix their salaries or emoluments and to require security in such instances and to such amounts as they think fit and to grant to any such officer or to the widow children or dependents of such officer out of the funds of the incorporated Society such pension or superannuation allowance or gratuity as they may in each case think proper, or to set up and to contribute out of the funds of the incorporated Society to a trust fund or funds out of which such pension or superannuation allowance or gratuity may be paid;
- (18) to contribute a sum not exceeding five hundred pounds per annum to public charitable or patriotic objects or funds;
- (19) to appoint from time to time any persons whether members or not to be honorary directors of the incorporated Society for such time and on such terms and conditions as they may in each case think fit.

Local Boards

42. (1) The directors may from time to time appoint any number of persons whether members or not to be a local board in any place whether in Jamaica or in any other part of the world for the purpose of carrying on the business of the incorporated Society in any such place.

Directors
may appoint
local
Boards.

(2) The directors may confer on a local board any powers vested in the directors (except the powers referred to in Articles 48 and 49) to be exercised within the district for which such local board is appointed.

(3) The directors may out of the funds of the incorporated Society pay to the members of a local board such remuneration as the directors think fit.

(4) The directors may from time to time make regulations for the guidance and government of a local board.

(5) The directors may fill any vacancy on a local board.

(6) The directors may from time to time remove any member of a local board and appoint another in his stead and may at any time dissolve a local board for any cause whatsoever and appoint another local board in its stead.

(7) The directors may authorise a local board to delegate all or any of the powers vested in such local board.

Trustees

Directors
may appoint
trustees.

43. (1) The directors may from time to time appoint any directors or officers of the incorporated Society or any other person or corporation as trustees for the incorporated Society to accept and hold any property mortgage instrument or security belonging to the incorporated Society or in which it is interested in trust for the incorporated Society or for any other purposes and may execute and do all such deeds and things as may be requisite in relation to any such trusts and may provide for the remuneration of such trustees.

(2) The directors may authorise any trustees to delegate all or any of the powers vested in such trustees.

(3) The several persons or corporations who for the time being hold property for the incorporated Society shall act in all respects under and in accordance with the instructions of the directors.

Powers of attorney

Directors
may grant
powers of
attorney.

44. (1) The directors may from time to time by power of attorney appoint any person in any place whether in Jamaica or in any other part of the world to be attorney of the incorporated Society for such purposes and with such powers authorities and discretions and for such period and subject to such conditions as the directors think fit and any such appointment may if the directors think fit be made in favour of members of a local board appointed by the directors or in favour of any company or firm and any such power of attorney may contain such powers for the protection of persons dealing with such attorneys as the directors think fit.

(2) The directors may authorise attorneys appointed by them to delegate all or any of the powers vested in such attorney.

Indemnity

Indemnity
of directors
and officers.

45. Every director and member of a local board and every officer of the incorporated Society shall be entitled to have reimbursed to him out of the funds of the incorporated Society all costs and expenses which he may from time to time *bona fide* incur in the discharge of his duties and be indemnified by the incorporated Society against all liabilities whatsoever which he may from time to time *bona fide* take upon himself on behalf of the incorporated Society or for its benefit or intended benefit.

Execution of deeds, policies and other documents

Execution
of deeds
policies and
other
documents.

46. (1) All deeds executed on behalf of the incorporated Society may be in such form and contain such powers provisoes conditions covenants clauses and agreements as the directors shall think fit, and shall be sealed with the seal of the incorporated Society.

(2) All bills of exchange promissory notes and other negotiable securities cheques and orders for the payment of money and all contracts not necessitating the seal shall be signed drawn accepted made negotiated endorsed or otherwise executed for or on behalf of and in the name of the incorporated Society in such manner and by such persons as the directors shall from time to time resolve and in default of such resolution then the same shall be signed by any one director and countersigned by the secretary on behalf of the incorporated Society but receipts for money and cheques for lodgment to the incorporated Society's bank account may be signed and endorsed in any way prescribed by the directors.

(3) All policies shall be valid and effectual to all intents if sealed with the seal of the incorporated Society and signed by any two directors and by the secretary or any other officer authorised by the directors.

47. The directors shall provide for the safe custody of the seal and the seal shall never be used except by the authority of the directors and except as otherwise provided, in the presence of any one director who shall sign every instrument to which the seal is affixed and every such instrument shall be countersigned by the secretary or such other officer as the directors may from time to time appoint. Seal.

Investment of Funds

48. The directors may from time to time invest and deal with any of the funds of the incorporated Society not immediately required for the purposes thereof in or upon such securities and in such manner as they may think fit and may from time to time vary or realise such investments. Without prejudice to the foregoing, the directors may invest and deal with the funds of the incorporated Society— Investment of funds.

(1) In purchasing or in lending money on the security of—

- (a) public stocks or funds or any government securities;
- (b) land or any interest therein or right connected therewith or in building upon or otherwise improving or developing such land;
- (c) ordinary or other shares or stocks or funds or debentures debenture stock annuities mortgages or other securities of any company;
- (d) bonds mortgages charges annuities liens or encumbrances affecting any property on which the incorporated Society has power to lend;
- (e) policies annuities or contracts of any kind of the incorporated Society or of any other company;
- (f) life reversionary or other interests whether absolute contingent or expectant in property of any kind whether determinable or not;

- (g) bonds bills notes or other obligations of any company or on personal obligation or covenant with or without further security;
- (h) real and personal property of every description;
- (2) In lending money on—
 - (a) the security of any property on which the incorporated Society has power to lend in conjunction with any money to be lent by any other company or person in joint names or otherwise as or by way of contributory mortgage or loan;
 - (b) deposit with any bank company or person.

Borrowing Powers

Power to
borrow.

49. The directors may exercise all the powers of the incorporated Society to borrow money and to mortgage or charge its undertaking and property or any part thereof and to issue bonds, debentures, debenture stock and other securities whether outright or as security for any debt liability or obligation of the incorporated Society or of any third party.

Periodical Investigation and Distribution of Surplus

Periodical
investigation.

50. (1) The directors shall periodically as hereafter prescribed cause an actuarial investigation to be made into the assets and liabilities (present and future) of the incorporated Society on such basis of valuation and by such methods as they may think fit and after making provision for such special or reserve funds (if any) as they may consider desirable shall determine the amount (if any) by which the estimated value of the assets exceeds the estimated value of the liabilities, such excess being hereinafter called the surplus.

(2) Of the amount of such surplus the directors shall decide the amount (if any) to be distributed among the participating policies and the amount (if any) to be carried forward.

(3) The first investigation after the commencement of the Act shall be held at such date as the directors may decide and subsequent investigations shall be held as at such dates as the directors may decide but so that the interval between any two successive investigations shall not exceed three years.

Participating
policies.

51. (1) All policies which have been or which shall hereafter be granted on terms of participation in the surplus of the incorporated Society are termed participating policies.

(2) The surplus available for distribution at any investigation shall be divided and allotted as the directors shall from time to time determine amongst the participating policies which are in force at the date of that investigation, and on which at the said date more than one full year's premium has been paid, in the form of reversionary additions to the sum assured and existing additions.

(3) The directors may during the interval between two successive periodical investigations declare and distribute an interim bonus or bonuses, at such rate or rates as they may decide, in respect of participating policies becoming claims by death or survival during the said interval.

Actuarial Advice

52. (1) To advise them on actuarial matters the directors shall appoint an actuary either on a consulting basis or as a full-time officer of the incorporated Society. Actuarial advice.

(2) The expression "actuary" in this Article shall mean a Fellow of the Faculty of Actuaries in Scotland or a Fellow of the Institute of Actuaries.

(3) The directors may consult the said actuary regarding any matter on which it seems to them proper to obtain actuarial advice, and shall consult the said actuary, when the occasion arises, as to—

- (i) the appropriate premium or premiums to charge for any policy or class of policies;
- (ii) the appropriate surrender value or values to be allowed for any existing policy or class of policies; and
- (iii) any action which they are empowered or required to take under Articles 50 and 51 hereof.

(4) The directors may also, if they see fit, consult any other actuary for any of the purposes prescribed in sub-paragraph (3) of this Article.

Accounts

53. The Directors shall cause true accounts to be kept of the sums of money received and expended by the incorporated Society and of the matters to which the receipts and expenditure relate and of the property assets credits and liabilities of the incorporated Society. The books of accounts shall be kept at the office or at such other place or places as the directors think fit. Accounts to be kept.

54. The directors shall from time to time determine whether and to what extent and at what times and places and under what conditions or regulations the accounts and books of the incorporated Society or any of them shall be open to the inspection of the members and no member shall have any right of inspecting any account or book or document of the incorporated Society except as conferred by law or authorised by the directors or by a resolution of the incorporated Society in general meeting. Inspection by members.

55. At the annual general meeting in every year the directors shall lay before the incorporated Society a revenue and expenditure account and a balance sheet containing a summary of the assets and liabilities of the incorporated Society made up to the end of the 4th day of January of that year. Annual account and balance sheet.

Annual
report of
directors.

56. Every such account and balance sheet shall be accompanied by a report of the directors as to the state and condition of the incorporated Society and the account report and balance sheet shall be signed by the chairman and countersigned by the secretary.

Members
to be entitled
to copies on
application.

57. The members shall be entitled to copies from the incorporated Society of every such revenue and expenditure account and balance sheet on application to the secretary.

Audit

Accounts to
be audited
annually.

58. Once at least in every year the accounts of the incorporated Society shall be examined and the correctness of the accounts and balance sheet certified by the auditor.

Election of
auditor.

59. (1) The incorporated Society at each annual general meeting shall appoint an auditor or auditors (in these Articles called the auditor) who shall remain in office until the next general meeting but shall be eligible for re-election: Provided that a person other than the retiring auditor shall not be capable of being appointed auditor at an annual general meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member to the incorporated Society not less than fourteen days before the annual general meeting.

(2) No director or member of a local board or officer of the incorporated Society shall be eligible to be appointed as the auditor.

(3) If at the annual general meeting the members fail to elect the auditor, the auditor retiring shall if willing to act be deemed to have been re-elected.

(4) The office of the auditor shall be vacated—

- (a) if he shall compound with his creditors or shall have a provisional order in bankruptcy made against him;
- (b) if he shall become of unsound mind.

(5) If the auditor shall die resign become disqualified or become incapable of acting the directors shall forthwith appoint in his stead another person who shall only hold office until the next annual general meeting but shall then be eligible for re-election.

(6) The incorporated Society in a special general meeting may remove the auditor before the expiration of the term of his office and in such event shall forthwith elect in his stead another person who shall only hold office until the next annual general meeting but shall then be eligible for re-election.

(7) The remuneration of the auditor shall be fixed by the incorporated Society in general meeting: Provided that in case the auditor is appointed to fill a casual vacancy his remuneration may be fixed by the directors.

(8) The auditor in office at the date of the coming into operation of these Articles shall continue to hold office and be remunerated according to the terms of his appointment until the annual general meeting of the incorporated Society in 1963.

60. (1) The auditor shall have the right of access at all times to the books accounts documents and vouchers of the incorporated Society and shall be entitled to require from the directors and officers of the incorporated Society such information and explanation as may be necessary for the performance of his duties. Powers and duty of auditor.

(2) The auditor shall make a report to the members on the accounts examined by him and on every balance sheet laid before the incorporated Society in general meeting during his tenure of office and the report shall state—

- (a) whether or not he has obtained all the information and explanation he has required; and
- (b) whether in his opinion the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the affairs of the incorporated Society according to the information and explanation given to him and as shown by the books of the incorporated Society.

(3) Every account of the directors when audited and approved by a general meeting shall be conclusive except as regards any error discovered therein within three months next after the approval thereof. Whenever any such error is discovered within that period the accounts shall forthwith be corrected and thenceforth shall be conclusive.

Minutes

61. (1) The directors shall cause minutes of proceedings of the incorporated Society and meetings of the directors and committees of directors and of local boards to be duly entered in books to be provided for the purpose and every entry therein shall be signed by the chairman of the meeting at which such proceedings take place or by the chairman of the next succeeding meeting. Minutes of proceedings.

(2) Every such entry so signed shall be received as *prima facie* evidence in all legal proceedings without proof of such respective meetings having been duly convened or held or of the persons making or entering such proceedings being members or directors or members of committees of the directors or of local boards respectively or of the signature of the chairman or of the fact of his having been chairman.

Notices

62. A notice may be served by the incorporated Society upon any member either personally or by sending it through the post in a prepaid letter envelope or wrapper addressed to such member at the place of address notified by him to the incorporated Society. How notices to be served.

63. Any member whose place of address is not in Jamaica may from time to time notify in writing to the incorporated Society an address in Jamaica which shall be deemed his place of address within the meaning of the last preceding Article. Member resident abroad.

- Notice where no address. 64. As regards those members who have no place of address a notice posted up in the office shall be deemed to be well served on them at the expiration of twenty-four hours after it is so posted up.
- When notice may be given by advertisement. 65. Any notice required to be given by the incorporated Society to the members or any of them and not expressly provided for by these Articles shall be sufficiently given if given by advertisement. Any notice required or which may be given by advertisement shall be advertised once in a daily newspaper published in Jamaica.
- When notice by post deemed to be served. 66. Any notice sent by post shall be deemed to have been served on the second day following that on which the letter envelope or wrapper containing the same is posted and in proving such service it shall be sufficient to prove that the letter envelope or wrapper containing the notice was properly addressed and put into the post.
- How time to be counted. 67. Where a given number of days notice is required to be given the day of service shall unless it is otherwise provided be counted in such number of days.
- Signatures for incorporated Society on notices. 68. The signature to any notice to be given by the incorporated Society may be written printed lithographed or reproduced by any other method of representing words in visible form.

No. 13—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

7th June, 1963

AN ACT to Postpone the holding of a General Election under the Parish Councils Law and for purposes connected therewith and related thereto.

[11th June, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Parish Councils General Election (Postponement) Act, 1963, and shall be read and construed as one with the Parish Councils Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construction.
Cap. 271.

2—During the continuance in force of this Act the principal Law shall be read and construed as if there

Modification
of principal
Law.

were substituted for subsection (1) of section 6 the following subsection—

“(1) A general election of members to serve on the Parish Council for each parish shall be held in such parish on such day or days before the 1st day of June, 1964, as the Governor-General in Council may by proclamation appoint.”.

Duration of
Act.

3—This Act shall continue in force until the 1st day of June, 1964, and shall then expire.

No. 14—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

7th June, 1963

AN ACT to Postpone the holding of a General Election under the Kingston and St. Andrew Corporation Law and for purposes connected therewith and related thereto.

[11th June, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Kingston and St. Andrew Corporation General Election (Postponement) Act, 1963, and shall be read and construed as one with the Kingston and St. Andrew Corporation Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Cap. 192.

Modification
of principal
Law.

2—During the continuance in force of this Act the principal Law shall be read and construed as if there were substituted for subsection (1) of section 14 the following subsection—

“(1) A general election of members to serve on the Council of the Kingston and St. Andrew Corporation shall be held in the Corporate Area on such day or days before the 1st day of June, 1964, as the Governor-General in Council may by proclamation appoint.”.

Duration of
Act.

3—This Act shall continue in force until the 1st day of June, 1964, and shall then expire.

No. 15—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

10th June, 1963

AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1964, and to appropriate the supplies granted in this Session of Parliament.

[11th June, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Appropriation Act, Short title. 1963.

2—The Accountant General may on the warrant of the Minister issue out of the Consolidated Fund a sum not exceeding in the aggregate forty-six million four hundred and thirteen thousand seven hundred pounds for defraying the several charges and expenses of the Government of Expenditure authorised.

Jamaica, and for other purposes, for the financial year ending on the 31st day of March, 1964.

Appropriations.

Schedule.

3—(1) The sum granted by section 2 is hereby appropriated for the services and purposes expressed in the Schedule pursuant to and in accordance with subsection (1) of section 116 of the Constitution of Jamaica and shall be deemed to have been so appropriated from the 1st day of April, 1963.

(2) In addition to the said sum granted out of the Consolidated Fund, accounting officers may apply out of any money whether received by way of fee, penalty, proceeds of sale, or by way of unusual receipt, as appropriations-in-aid of the services and purposes specified in the Schedule the sums respectively set forth in the last column of the Schedule.

SCHEDULE

(Section 3)

Schedule of—

(a) sums granted, and

(b) sums which may be applied as Appropriations-in-Aid in addition thereto,

to defray the charges of the several Heads of Expenditure herein particularly mentioned which will come in course of payment during the year ending on 31st March, 1964.

Head of Expenditure	Sum Granted	Appropriations
		in-Aid
	£	£
1. His Excellency the Governor-General, and Staff ...	16,582	—
2. Audit ...	89,861	5,408
3. Houses of Parliament ...	204,682	—
4. Services Commissions ...	46,955	—
5. Office of the Prime Minister ...	1,641,062	—
5A. Office of the Prime Minister (Capital) ...	141,300	—
6. Attorney General ...	31,776	—
7. Ministry of External Affairs ...	542,089	3,250
Carried forward	£2,714,307	£8,658

Head of Expenditure	Sum Granted	Appropriations in-Aid
	£	£
Brought forward	2,714,307	8,658
8 Ministry of Finance ...	858,271	—
8A. Ministry of Finance (Capital Financing Provisions) ...	2,141,665	—
8B. Ministry of Finance (Capital)	805,909	—
9. Accountant General ...	133,954	—
10. Collector General ...	629,867	115,900
11. Income Tax ...	151,874	—
12. Office of the Parliamentary Counsel	24,187	—
13. Savings Bank ...	97,380	—
14. Stamp Duties and Estate Duties	23,164	—
15. Miscellaneous ...	383,010	—
16. Department of Supply ...	100	3,136,900
17. Pensions ...	254,080	—
20. Ministry of Agriculture and Lands	1,428,402	72,040
20A. Ministry of Agriculture and Lands (Capital) ...	2,292,889	92,770
21. Agricultural Credit Board ...	100,145	90
22. Co-operative Department ...	35,094	—
23. Forests ...	99,158	4,000
24. Lands ...	207,034	93,155
25. Registration of Titles ...	35,140	—
26. Rio Cobre Irrigation ...	43,442	—
27. Surveys ...	133,591	4,300
28. Ministry of Health ...	4,443,236	82,510
28A. Ministry of Health (Capital) ...	334,501	24,500
29. Bellevue Hospital ...	579,138	10,000
30. Government Chemist ...	28,690	1,020
31. Registrar General's Department and Island Record Office ...	57,772	22,420
32. Ministry of Home Affairs ...	51,541	—
32A. Ministry of Home Affairs (Capital)	120,781	—
33. Administrator General ...	53,624	11,310
34. Bankruptcy ...	12,662	500
35. Court of Appeal ...	7,330	—
36. Crown Solicitor ...	27,825	—
37. Office of the Director of Public Prosecutions ...	36,960	—
38. Police ...	2,441,137	24,400
39. Printing Office ...	247,231	1,580
40. Resident Magistrate's Courts ...	212,250	—
41. Supreme Court ...	58,785	—
42. Ministry of Local Government	318,917	171
42A. Ministry of Local Government (Capital) ...	2,731,468	—
43. Local Government Contributions	2,985,006	—
Carried forward	£27,341,517	£3,706,224

Head of Expenditure	Sum Granted	Appropriations
		in-Aid
	£	£
Brought forward	27,341,517	3,706,224
44. Ministry of Housing ...	37,300	—
44A. Ministry of Housing (Capital) ...	300,000	—
45. Department of Housing ...	325,815	51,400
46. Ministry of Development and Welfare ...	1,124,972	11,250
46A. Ministry of Development and Welfare (Capital) ...	262,687	—
47. Geological Survey ...	47,200	—
48. Prisons ...	468,394	37,300
49. Department of Statistics ...	89,136	1,600
50. Town Planning ...	37,186	—
51. Ministry of Education ...	5,918,260	17,850
51A. Ministry of Education (Capital) ...	1,041,522	38,758
52. Ministry of Trade and Industry	361,243	—
52A. Ministry of Trade and Industry (Capital) ...	1,285,266	—
53. Electoral Office ...	406,040	—
54. Marketing Department ...	12,920	99
55. Department of Mines ...	17,306	330
56. Trade Administrator ...	51,968	—
57. Ministry of Labour ...	195,395	—
57A. Ministry of Labour (Capital) ...	5,000	—
58. Ministry of Communications and Works ...	1,197,299	375
58A. Ministry of Communications and Works (Capital) ...	2,038,950	—
59. Civil Aviation Department ...	1,000	290,017
60. Harbours ...	26,010	23,900
61. Post and Telegraphs ...	1,954,036	—
62. Public Works Recurrent ...	1,872,278	69,750
	<u>£46,413,700</u>	<u>£4,248,853</u>

JAMAICA

No. 16—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th June, 1963

AN ACT to Amend the Stamp Duty Law.

[20th June, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Stamp Duty (Amendment) Act, 1963, and shall be read and construed as one with the Stamp Duty Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 366.

2—The Schedule to the principal Law is hereby amended, in relation to the heading "RECEIPT, or discharge given for or upon the payment of money" thereof, in the following respects—

Amendment
of Schedule
to principal
Law in
respect of
receipts.

- (a) by deleting the figures "0 0 6" and substituting therefor the figures "0 2 0";
- (b) by deleting the figures "0 1 6" and substituting therefor the figures "0 2 0";
- (c) by deleting the words "one shilling and sixpence" and substituting therefor the words "two shillings".

No. 17—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th June, 1963

AN ACT Further to Amend the Road Traffic Law.

[20th June, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Road Traffic (Amendment) (No. 2) Act, 1963, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 346.

2—Section 9 of the principal Law is hereby amended by deleting subsection (1A) thereof and substituting therefor the following—

Amendment
of section 9
of principal
Law.

“(1A) The Minister responsible for Finance may by order—

Schedule.

- (a) revoke, increase, reduce or alter any licence duty specified in the Schedule to this Law and may add any licence duty thereto; and
- (b) revoke, increase, reduce or alter any fee imposed by subsection (3) of section 13, subsection (1) of section 14, subsection (5) of section 21, subsection (4) of section 56 or subsection (1) of section 60."

Amendment
of section 14
of principal
Law.

3—Subsection (1) of section 14 of the principal Law is hereby amended by deleting therefrom the words "one pound" and substituting in place thereof the words "two pounds".

Amendment
of section 84
of principal
Law.

4—Subsection (2) of section 84 of the principal Law is hereby amended by deleting the words "one penny for each copy" and substituting therefor the words "the prescribed price."

No. 18—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

20th June, 1963

AN ACT to Amend the Tourist Board Law, 1954.

[The date of any Proclamation issued by the Governor-]
General bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Tourist Board (Amendment) Act, 1963, and shall be read and construed as one with the Tourist Board Law, 1954 (hereinafter referred to as the principal Law) and all amendments thereto and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title,
construction
and com-
mencement.
Law 61 of
1954.

2—Section 2 of the principal Law is hereby amended by deleting the definitions of "the Committee", "member", and "vice-chairman".

Amendment
of section 2
of principal
Law.

Amendment
of section 3
of principal
Law.

3—Section 3 of the principal Law is hereby amended in the following respects—

- (a) by deleting the fullstop at the end of subsection (1), substituting therefor a colon and adding the following proviso—

“ Provided that it shall be lawful for the word “Jamaica” to be used in such manner as the Board may approve, as part of their name, in any communication or document or in any proceedings.”;

- (b) by deleting subsection (2) and substituting therefor the following—

“ (2) The Board shall consist of—

- (a) a chairman, who shall be known as the Director of Tourism; and
- (b) four other members,
appointed by the Minister by instrument in writing.”.

Repeal and
and replace-
ment of
section 4 of
principal
Law.

4—Section 4 of the principal Law is hereby repealed and the following section substituted therefor—

“Acting
appoint-
ments.

4—(1) If the chairman is absent or unable to act, the Minister may appoint any person, whether a member of the Board or not, to act temporarily as chairman.

(2) If any member of the Board other than the chairman is absent or unable to act, or has been appointed under subsection (1) to act temporarily as chairman, the Minister may appoint any person to act temporarily in the place of that member.”.

5—Section 5 of the principal Law is hereby repealed.

Repeal of section 5 of principal Law.

6—The principal Law is hereby amended by inserting therein, next after section 7, the following section as section 8—

Insertion of new section 8 in principal Law.

“Revocation of appointment.”

8—The Minister may at any time revoke the appointment of any member of the Board.”.

7—Section 11 of the principal Law is hereby amended by deleting from subsection (3) the words “the secretary or general manager” and substituting therefor the words “or the secretary”.

Amendment of section 11 of principal Law.

8—Section 12 of the principal Law is hereby amended by deleting subsections (3) and (4) and substituting therefor the following—

Amendment of section 12 of principal Law.

“(3) The chairman shall preside at all meetings of the Board at which he is present, and in the case of his absence from any meeting the members present shall elect one of their number to act as chairman at that meeting.

(4) The quorum of the Board shall be three including the chairman or other member presiding at the meeting.

(4A) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, in any case in which the voting is equal, the chairman or other member presiding at the meeting shall have a casting vote.”.

9—Section 13 of the principal Law is hereby repealed.

Repeal of section 13 of principal Law.

10—Section 15 of the principal Law is hereby amended by deleting from paragraph (b) the word “borrowing,”.

Amendment of section 15 of principal Law.

Repeal of
section 16 of
principal
Law.

11—Section 16 of the principal Law is hereby repealed.

Repeal and
replacement
of sections 17
and 18 of
principal
Law.

12—Sections 17 and 18 of the principal Law are hereby repealed and the following sections substituted therefor—

“Remunera-
tion of
members.

17—There shall be paid from the funds of the Board to the members of the Board such remuneration, if any, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

Officers,
agents and
servants.

18—(1) The Board may appoint and employ at such remuneration and on such terms and conditions as they think fit a secretary and such officers, agents and servants as they think necessary for the proper carrying out of the provisions of this Law:

Provided that no salary in excess of one thousand pounds shall be assigned to any post without the prior approval of the Minister.

(2) The Director of Tourism shall be responsible to the Board for the day to day administration of the business of the Board.

(3) Where the Director of Tourism is absent or unable to act and no acting appointment has been made by the Minister under section 4, the Board may authorise an officer in their service to perform temporarily the functions specified in subsection (2).”

Repeal of
section 19
of principal
Law.

13—Section 19 of the principal Law is hereby repealed.

14—Section 21 of the principal Law is hereby repealed and the following section substituted therefor—

“Protection
of members.

21—(1) No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board.

(2) Where any member of the Board is exempted from liability by reason only of the provisions of this section, the Board shall be liable to the extent that they would be if the member was a servant or agent of the Board.”.

Repeal and
replacement
of section 21
of principal
Law.

15—Section 24 of the principal Law is hereby repealed and the following section substituted therefor—

“Accounts
and audit.

24—(1) The Board shall keep accounts of their transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Board with the approval of the Minister.

(2) The members, officers, agents and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under the provisions of subsection (1) access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

(3) So soon as the accounts of the Board have been audited, the Board shall furnish to the Minister a copy of the audited financial statement together with a copy of any report made by the auditor thereon or on the accounts of the Board.”.

Repeal and
replacement
of section 24
of principal
Law.

Amendment
of section 25
of principal
Law.

16—Section 25 of the principal Law is hereby amended in the following respects—

- (a) by inserting in subsection (2) next after the word “report” the words “together with a copy of the audited financial statement and any report made by the auditor thereon or on the accounts of the Board”;
- (b) by deleting subsection (3) and substituting therefor the following—

“(3) The Board shall in each year, within such time as the Minister may from time to time direct, submit to him for approval their estimates of revenue and expenditure in respect of the period of twelve months commencing on the 1st day of April next following, and a copy of such estimates, as approved, shall be published in the *Gazette* and in a daily newspaper circulating in the Island.”.

No. 19—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

5th July, 1963

AN ACT to Amend the Government Savings Bank Law.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Government Savings Bank (Amendment) Act, 1963, and shall be read and construed as one with the Government Savings Bank Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title,
construction
and com-
mencement.
Cap. 139.

2—Subsection (1) of section 11 of the principal Law is hereby amended in the following respects—

Amendment
of section
11 of prin-
cipal Law.

(a) by deleting from paragraph (a) all the words

appearing after the words "securities of" and substituting therefor the words "any territory within the Commonwealth as defined by the Constitution of Jamaica";

- (b) by deleting the colon at the end of paragraph (b) and substituting therefor a fullstop; and
- (c) by deleting the proviso to the subsection.

Amendment
of section
12 of prin-
cipal Law.

3—Section 12 of the principal Law is hereby amended by deleting therefrom the words "and transmitted to the Secretary of State".

Amendment
of section
14 of prin-
cipal Law.

4—Subsection (2) of section 14 of the principal Law is hereby amended by deleting from paragraph (i) the words commencing with "British Dominion" and ending with "Her Majesty" and substituting therefor the words "other territory within the Commonwealth as defined by the Constitution of Jamaica".

JAMAICA

No. 20—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Hospitals (Public) Law.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Hospitals (Public) (Amendment) Act, 1963, and shall be read and construed as one with the Hospitals (Public) Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title,
construction
and com-
mencement.
Cap. 150.

Repeal and replacement of sections 2, 3 and 4 of principal Law.

2—Sections 2, 3 and 4 of the principal Law are hereby repealed and the following sections substituted therefor—

“Interpretation.

2—In this Law—

“functions” includes powers and duties;

“public hospital” means—

- (a) any clinic, dispensary or institution (other than Bellevue Hospital or the Hansen Home) for the reception or treatment of persons suffering from illness or requiring medical care; or
- (b) any maternity home, convalescence home or rehabilitation centre,

maintained by Government.

Schemes of management of public hospitals.

3—(1) The Minister may, from time to time, prepare a scheme for the management of one or more public hospitals.

(2) Every such scheme shall—

- (a) provide for the constitution of a Hospital Board;
- (b) provide for the appointment of members of such Board and their tenure of office;
- (c) define the functions of such Board;
- (d) make such provision as may be expedient for empowering such Board to appoint committees and specify the matters to be referred to them;
- (e) provide for the responsibility for funds that are made available to such Board;

- (f) provide for preparation of accounts and audit inspection of such Board;
- (g) provide for the responsibilities for the staff;
- (h) define the functions of the Minister in relation to such Board;
- (i) provide for such other matters as the Minister may consider to be expedient or necessary for giving effect to the purposes of this section.

(3) Every scheme prepared under this section shall be subject to affirmative resolution.

Regulations.

4—(1) Subject to the provisions of this Law the Minister may make regulations generally in respect of public hospitals, and any such regulations may relate generally to all public hospitals or to any particular public hospital.

(2) Without prejudice to the generality of the power contained in subsection (1), regulations made under this section may provide for—

- (a) the admission into, the treatment at, and the discharge from, any public hospital of any person or class of persons;
- (b) fixing the hospital dues to be paid in respect of persons obtaining medicines or surgical appliances at, or receiving attendance or treatment in, any public hospital.”.

Repeal of
section 7 of
principal
Law.

3—Section 7 of the principal Law is hereby repealed.

Amendment
of section 8
of principal
Law.

4—Section 8 of the principal Law is hereby amended by deleting the words “or public dispensary” wherever those words appear in the section.

No. 21—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Processed Food Law, 1955.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Processed Food (Amendment) Act, 1963, and shall be read and construed as one with the Processed Food Law, 1955 (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title,
construction
and com-
mencement.
Law 32 of
1955.

2—The several provisions of the principal Law specified in the Schedule are hereby amended in the manner respectively so specified.

Amendments
to principal
Law.
Schedule.

SCHEDULE

(Section 2)

- Long title: (a) Insert after the words "for export" the words "or for sale in the Island".
 (b) Insert after the words "the exportation" the words "or sale".
- Section 2: (a) Delete the definition of "establishment" and substitute therefor the following definition—
 "establishment" means any place in which any prescribed food is manufactured or processed for export or for sale;".
 (b) In the definition of "prescribed food" insert after the words "for export" the words "or for sale".
 (c) Delete the definition of "the Minister".
- Section 5 (1): Delete paragraph (c) and substitute therefor the following:—
 "(c) export or sell or have in his possession for export or for sale or attempt to export or sell any prescribed food that is unwholesome."
- Section 8: (a) Insert in the marginal note after the word "exported" the words "or sold".
 (b) Insert in paragraph (a) of subsection (1) after the words "for export" the words "or for sale as the case may be".
 (c) Insert in subsection (2) after the word "export" wherever it occurs the words "or sell".
- Section 10: (a) Insert in paragraphs (a) and (d) of subsection (1) after the words "for export" wherever they occur the words "or for sale".
 (b) Insert in subsection (2) after the words "for export" the words "or for sale".
- Section 12: Insert in paragraph (b) after the words "for export" the words "or for sale as the case may be".
- Section 13 (1): (a) Delete the words "Governor in Council" where they first appear and from the marginal note and substitute therefor the word "Minister".
 (b) Insert in paragraph (c) after the words "for export" the words "or for sale".
 (c) Delete paragraph (e) and substitute therefor the following—
 "(e) requiring persons who export or sell any prescribed food or who manufacture, prepare, process, pack, store or keep

such food for export or for sale to maintain such books and records as the Minister may consider necessary for the proper administration and enforcement of this Law;".

- Section 14: Delete and substitute therefor the following—
- "Procedure with respect to regulations relating to standards for processed food for export or sale. 14—(1) A draft of all regulations proposed to be made under paragraphs (b), (c) and (j) of section 13 shall be published in the *Gazette* so as to permit representations to be made to the Minister by any person concerning any provision of the regulations to which that person objects.
- (2) The Minister shall before making the regulations consider every such objection if made in writing within thirty days of the date of publication of the draft regulations, and the regulations shall after being made be published in the *Gazette*."
- Section 16: Delete the marginal note and substitute therefor the words "Institution of prosecutions".
- Section 18: Insert after the words "for export" wherever they occur in the section and in the marginal note thereto the words "or for sale".

No. 22—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Jamaica Broadcasting Corporation
Law, 1958.

[22nd July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows:—

1—This Act may be cited as the Jamaica Broadcasting
Corporation (Amendment) Act, 1963, and shall be read
and construed as one with the Jamaica Broadcasting Cor-
poration Law, 1958 (hereinafter referred to as the principal
Law) and all amendments thereto.

Short title
and con-
struction.

Law 65
of 1958.

2—Section 3 of the principal Law is hereby amended
in the following respects—

Amendment
of section
3 of prin-
cipal Law.

- (a) by inserting in subsection (1), immediately after
the words "whose function shall" the words
"subject to the provisions of subsection (3) of this
section";

(b) by deleting from subsection (1) the words “ and rediffusion” ; and

(c) by adding the following subsections as subsections (3) and (4)—

“ (3) It shall be lawful for the Corporation to produce films, recordings and other material which they may—

- (a) use for broadcasting and other purposes;
- (b) dispose of, whether by sale or otherwise, for such purposes as they think fit.

(4) In this section and in section 8 of this Law the word “broadcasting” includes broadcasting over a closed circuit television system and over a radio rediffusion system.”.”.

Amendment
of section
8 of prin-
cipal Law.

3—Section 8 of the principal Law is hereby amended in the following respects—

- (a) by deleting the word “advice” and inserting instead the word “advise”;
- (b) by deleting the words “and re-diffusion”.

No. 23—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Estate Duty Law.

[22nd July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Estate Duty (Amendment) Act, 1963, and shall be read and construed as one with the Estate Duty Law, 1954 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 60 of
1954.

2—The principal Law is hereby amended by inserting therein the following as Part III—

Amendment
to principal
Law.

“

PART III—*Estate Duty—Abolished*

Abolition
of estate
duty.

65. Notwithstanding anything to the contrary no estate duty shall be payable upon

No. 24—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Bastardy Law.

[22nd July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Bastardy (Amendment) Act, 1963, and shall be read and construed as one with the Bastardy Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and construc-
tion.
Cap. 35.

2—Section 10 of the principal Law is hereby amended in the following respects—

Amendment
of section 10
of principal
Law.

- (a) by deleting the marginal note and substituting the following marginal note therefor—

“Pension or income liable to attachment.”;

- (b) by renumbering the section as subsection (1);
- (c) by inserting immediately after the words "under the order," the word "may";
- (d) by adding the following as subsection (2)—

"(2) At any time after an order has been made under the provisions of subsection (1) of this section, the Resident Magistrate may, upon the application of the person to whom any pension or income would have been payable but for the making of the order, or of the mother or guardian of the bastard child, vary such order in such manner and to such extent as he may think fit, or suspend such order (or revive such order if suspended) or cancel the same."

No. 25—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Amend the Maintenance Law.

[22nd July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Maintenance (Amendment) Act, 1963, and shall be read and construed as one with the Maintenance Law, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Cap. 232.

2—Section 8 of the principal Law is hereby amended in the following respects—

Amendment
of section 8
of principal
Law.

- (a) by inserting immediately after the word "shall" where that word appears for the first time the words ", subject to the provisions of section 9 thereof,";

- (b) by inserting immediately after the words "fourteen years," the words "or, if the Justices shall think fit, until such child attains the age of sixteen years,".

Insertion
of new
section
8A in prin-
cipal Law.

3—The principal Law is hereby amended by inserting therein immediately after section 8 the following as section 8A—

"Pension
or income
liable to
attachment.
Act 25 of
1963.

8A—(1) Where an order of maintenance has been made either before or after the commencement of the Maintenance (Amendment) Act, 1963, any two Justices having jurisdiction to make such an order may, in any case where there is any pension or income payable to the person on whom the order has been made and capable of being attached, after giving that person an opportunity of being heard, and provided that they are satisfied that that person has without reasonable cause made a default under the order, make an order (to be called an order of attachment) directing that such an amount periodically as is specified in the order of maintenance, or any part of such amount, be attached and paid either to the person to whom a periodical sum has in the order of maintenance been directed to be paid or to some other person approved by the Justices and named in the order of attachment.

(2) An order of attachment made under the provisions of subsection (1) of this section shall be an authority to a person by whom any pension or income affected by such an order is payable to make the payment ordered, and the receipt of the person to

whom payment is ordered shall be a good discharge to the person by whom the pension or income is payable.”.

4—Section 9 of the principal Law is hereby repealed and the following section substituted therefor—

Repeal and replacement of section 9 of principal Law.

“Variation, suspension and cancellation of orders.

9—At any time after any order has been made under this Law, any two Justices, having jurisdiction to make such an order, may, upon the application of any of the parties to the proceedings in which such order was made, or of any person having the actual care and custody of any child entitled to be maintained under this Law, or of any person to whom any payment was directed in such order to be made, vary such order in such manner as they may think fit, or suspend such order, or, such order having been suspended, revive the same; and if the Justices, upon application as aforesaid, shall be satisfied that the circumstances so warrant, they shall cancel the said order.”.

5—Section 12 of the principal Law is hereby amended by inserting immediately after the word “order” where that word appears for the first time the words “of maintenance”.

Amendment of section 12 of principal Law.

6—There is added at the end of the principal Law the following section as section 15—

Addition of new section 15 to principal Law.

“Minister's power to make rules, etc.

15—The Minister may make rules and prescribe forms for carrying into effect the provisions of this Law.”.

No. 26—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

19th July, 1963

AN ACT to Provide for the imposition and collection of a tax from persons travelling out of Jamaica and for matters incidental thereto or connected therewith.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Travel Tax Act, 1963, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title
and com-
mencement.

2—In this Act—

“aircraft” means any machine for flying, whether propelled by mechanical means or not, and includes any description of balloon;

Interpre-
tation.

“carrier” means—

- (a) any person (whether incorporated or not) transporting passengers by ship or aircraft on any voyage or flight from Jamaica to any place outside Jamaica;
- (b) the master or other person in command or control of the transporting ship or aircraft;
- (c) the agent in Jamaica of any person referred to in paragraph (a) hereof; and
- (d) if the person referred to in paragraph (a) hereof or the agent referred to in paragraph (c) hereof is a corporation, every director and manager of that corporation;

Cap. 89.

“Collector” means an officer as defined in the Customs Law who is designated a Collector by the Collector General for the purposes of this Act and includes a person authorised to collect taxes under the Tax Collection Law;

Cap. 375.

“ship” means a steamship or any other ship, boat, lighter or other craft of any description used for transport by water;

“traveller” means a person who proposes to travel from Jamaica by sea or by air to any place outside Jamaica;

“travel tax” means the tax imposed by section 3;

“visitor” means a person who is in Jamaica—

- (a) on a visitor’s visa; or
- (b) in transit to some place outside Jamaica; or
- (c) on a visit primarily for recreational purposes:

Provided that in any case a person shall be deemed not to be a visitor if his stay in Jamaica on the occasion when his status as a visitor is

being considered for the purposes of this Act exceeds six months or if during such stay he works or performs any function in Jamaica in return for payment or reward.

3—(1) Subject to the provisions of this Act, there shall Travel tax.
be paid by each traveller on each occasion on which such traveller leaves Jamaica for any place outside Jamaica, a tax (to be called "travel tax") of ten shillings or such other sum as may from time to time be prescribed in place thereof.

(2) Notwithstanding the provisions of sections 16 and 19 of the Tax Collection Law, travel tax shall be payable Cap. 375.
in one sum.

(3) Travel tax shall not be payable by—

- (a) the master, pilot or other person in control or command of a ship or aircraft leaving Jamaica or any member of the staff or crew of such ship or aircraft if such master, pilot, other person or member is leaving Jamaica by the ship or aircraft of which he is in control or in command or of which he is a member of the staff or crew, as the case may be;
- (b) any person recruited with the approval of the Minister responsible for Labour for agricultural work in any place outside Jamaica;
- (c) any visitor;
- (d) such categories of travellers as may be prescribed;
- (e) a traveller in relation to whom the Minister, or any officer designated by the Minister for the purpose, is satisfied that by reason of such special circumstances as may be prescribed the travel tax should be remitted.

Duty of
carrier to
collect
travel tax.

4—(1) Every carrier transporting from Jamaica to any place outside Jamaica any traveller by whom travel tax is payable, shall collect the tax from such traveller and pay it over to a Collector.

(2) Any carrier failing to collect any travel tax which he is required by subsection (1) to collect shall, notwithstanding such failure, pay to a Collector the amount of such tax.

(3) Any amount of travel tax which a carrier is required to pay to a Collector pursuant to this section shall be due and payable without further demand immediately prior to the departure from Jamaica of the ship or aircraft transporting the travellers in respect of whom that amount of tax is payable:

Provided that regulations made under this Act may permit either generally or in any particular case payment of any such amount as aforesaid by instalments or periodically or within such period after the departure of the ship or aircraft as may be prescribed.

(4) Every carrier shall, in relation to travel tax, keep such records and furnish such returns in such form and to such persons as may be prescribed.

Offences.

5—(1) Any person who, for the purpose of evading the payment by himself or by any other person of travel tax, knowingly makes any false statement or false representation shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding twenty-five pounds or to imprisonment with or without hard labour for a term not exceeding three months.

(2) Any carrier who fails or neglects to make a return in accordance with the requirements of this Act or any regulations made thereunder or knowingly makes in any such return any false statement or false representation, shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding fifty pounds or,

in default of payment thereof, to imprisonment with or without hard labour for a term not exceeding six months.

6—Where pursuant to section 4 any travel tax, being due and payable, remains unpaid—

Enforcing
payment
of tax.

(a) a Collector may proceed to enforce payment against the carrier concerned under the provisions of the Tax Collection Law in like manner as if an assessment under the provisions of that Law for the enforcement of tax has been made; and

Cap. 375.

(b) the proper officer within the meaning of the Customs Law may withhold clearance under that Law of the ship or aircraft transporting the travellers in respect of whom the tax is payable if he is not satisfied that adequate arrangements for the payment of the tax have been made.

Cap. 89.

7—A Resident Magistrate shall, in addition to any penalty he may impose on any person under the provisions of this Act, order the payment to a Collector of any travel tax due and payable by that person and may order, in default of such payment, imprisonment of that person for a period not exceeding three months.

Power of
Magistrate
to order
payment
of tax.

8—(1) Any person who proves to the satisfaction of the Collector General that he has paid to a Collector travel tax in excess of the amount which he is properly required to pay pursuant to this Act shall be entitled to have the amount so paid in excess refunded, and the Collector General shall make the refund accordingly.

Refunds.

(2) No claim for a refund under this section shall be entertained after the expiration of six months from the date on which payment of the amount in dispute was made to a Collector.

Regulations.

9—(1) The Minister may make regulations to provide for—

- (a) the production to, and inspection by, such persons as may be prescribed of documents used and records kept by any person for the purpose of determining that travel tax has been collected and accounted for in accordance with this Act or any regulations made thereunder;
- (b) the furnishing to the Collector General or to persons authorised by him of such information and such returns, certificates and other documents as may be prescribed;
- (c) the circumstances in which travel tax may be remitted pursuant to paragraph (e) of subsection (3) of section 3;
- (d) anything required to be prescribed by this Act;
- (e) any other matter or thing whether similar or not to those abovementioned in respect of which it may be expedient to make regulations to give effect to the purpose of this Act.

(2) Regulations made in respect of paragraph (c) of subsection (1) may be made with retrospective effect and any regulations made in respect of that paragraph as well as any regulations made pursuant to subsection (1) of section 3 varying the amount of travel tax shall be subject to affirmative resolution of the House of Representatives.

No. 27—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

25th July, 1963

AN ACT to Provide for the establishment of a Corporation to be known as the Agricultural Marketing Corporation, for the powers of the Corporation and for matters connected therewith or incidental thereto.

[The date of any Proclamation issued by the Governor-
General bringing the Act into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1—This Act may be cited as the Agricultural Marketing Corporation Act, 1963, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title
and com-
mencement.

Interpre-
tation.

2—In this Act—

“agricultural produce” includes livestock, poultry, fish and the produce of any plant or animal;

“chairman” means the chairman of the Corporation and includes any person appointed to act temporarily as chairman;

“the Corporation” means the Agricultural Marketing Corporation established under this Act;

“functions” includes powers and duties;

“the vesting day” has the meaning assigned to that expression by section 15.

PART II—*Establishment and powers of the Corporation*

Establish-
ment of
Agricultural
Marketing
Corporation.

3—(1) There shall be established for the purposes of this Act a body to be called the Agricultural Marketing Corporation.

Schedule.

(2) The provisions of the Schedule shall have effect as to the constitution of the Corporation and otherwise in relation thereto.

Functions of
the Cor-
poration.

4—(1) The Corporation shall have power to establish and maintain an efficient system of marketing for agricultural produce by securing the most favourable arrangements for the purchase, handling, sale and exportation of agricultural produce.

(2) Subject to the provisions of this Act, the Corporation may, for the purpose of exercising or discharging any of its functions under this Act, do anything and enter into any transaction which, in the opinion of the Corporation, is necessary to ensure the proper exercise or discharge of its functions.

(3) In particular and without prejudice to the generality of the provisions of subsections (1) and (2) the Corporation shall have power—

- (a) to provide and maintain adequate marketing outlets for agricultural produce;
- (b) to buy and sell agricultural produce;
- (c) to provide for the collection, transportation, storage, grading, packing and processing of agricultural produce;
- (d) to import and export agricultural produce.

5—The Minister may, after consultation with the chairman, give to the Corporation directions of a general character as to the policy to be followed in the exercise or discharge of its functions in relation to matters appearing to him to concern the public interest, and the Corporation shall give effect to any such directions.

Policy
directions.

6—The Corporation may be appointed to be an agent of the Government or any person.

Appointment
as agent.

PART III—*Financial Provisions*

7—The revenues of the Corporation shall be applied for the purposes authorised by this Act or by any other enactment relating to the functions of the Corporation.

Application
of revenues.

8—(1) Subject to the provisions of subsection (2) the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

Borrowing
powers.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister after consultation with the Minister responsible for Finance as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances,
grants and
guarantee
of borrow-
ings.

9—(1) The Minister may from time to time make advances and grants to the Corporation out of moneys provided by Parliament for the purpose.

(2) With the approval of the House of Representatives, the Minister responsible for Finance may guarantee, in such manner and on such conditions as he may think fit, the repayment of the principal and the payment of interest on any authorised borrowings of the Corporation made otherwise than by way of advance under subsection (1).

(3) Where the Minister responsible for Finance is satisfied that there has been default in the repayment of any principal moneys or in the payment of interest guaranteed under this section, he shall direct the repayment, or, as the case may be, the payment, out of the general assets and revenue of the Island of the amount in respect of which there has been such default.

Repayment
of, and
interest on,
advances
and sums
issued to
meet
guarantees.

10—The Corporation shall make to the Accountant General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Corporation under section 9, and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rates as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different periods.

Reserves.

11—(1) The Corporation shall establish and maintain such reserves as it considers necessary.

(2) The management and application of the said reserves and the sums to be carried from time to time to the credit thereof shall be as the Corporation may determine:

Provided that except with the prior approval of the Minister after consultation with the Minister responsible for Finance no part of the reserves shall be applied (whether by way of investment or otherwise) for the purposes of any business or undertaking other than the activities of the Corporation mentioned in subsection (1) of section 4.

12—(1) The Corporation shall keep proper accounts and other records in relation to its business and shall prepare annually a statement of accounts in a form satisfactory to the Minister, being a form which shall conform with established accounting principles.

Accounts
and audit.

(2) The accounts of the Corporation shall be audited by an auditor or auditors appointed annually by the Corporation and approved by the Minister.

13—(1) The Corporation shall prepare and present to the Minister within three months after the expiration of each financial year of the Corporation a report—

Annual
Report and
Estimates.

- (a) dealing generally with the activities of the Corporation during its last preceding financial year;
- (b) containing such information relating to the proceedings and policy of the Corporation as in its opinion can be made public without detriment to the interests of the Corporation; and
- (c) including a statement of its accounts audited in accordance with the provisions of section 12.

(2) The Minister shall cause a copy of the report together with the annual statement of accounts and the auditor's report thereon to be laid on the Table of the House of Representatives and of the Senate.

(3) Copies of the Corporation's report together with the annual statement of accounts and the auditor's report on that statement or on the accounts of the Corporation shall be published in such manner as the Minister may direct.

(4) The Corporation shall, not less than three months (or such shorter period as the Minister may in any particular case allow) before the expiration of each financial year of the Corporation, submit to the Minister for approval its estimates of revenue and expenditure in respect of its next succeeding financial year.

Exemption
from income
tax and
stamp duty.

14—(1) The income of the Corporation shall be exempt from income tax.

(2) All instruments executed by or on behalf of the Corporation shall be exempt from stamp duty.

PART IV—*Transfer of assets and liabilities*

Transfer of
assets and
liabilities.

15—Upon a day to be appointed by the Minister by notice in the *Gazette* (hereafter in this Act referred to as “the vesting day”) by virtue of this section and without further assurance all such assets and liabilities as may be specified in the notice aforesaid, being—

- (a) property of the Government vested in the Commissioner of Lands or the Accountant General, as the case may be, and occupied, utilised or enjoyed by the Marketing Department immediately before the vesting day;
- (b) debts owing to the Government by virtue of the operations of the Marketing Department; and
- (c) liabilities of the Government in respect of the Marketing Department,

shall be transferred to and vested in the Corporation.

Restriction
on aliena-
tion of
certain
property.

16—The Corporation shall not without the approval of the Minister alienate, mortgage, charge or demise any immovable property transferred to and vested in the Corporation under section 15.

PART V—*Staff*

17—Subject to the provisions of this Part the Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a chief executive officer and a secretary and such other servants and agents as it thinks necessary for the proper performance of its functions:

Appointment of chief executive officer, secretary and other servants and agents.

Provided that no person shall be appointed chief executive officer without the prior approval of the Minister.

18—(1) It shall be lawful for the Corporation, with the approval of the Minister responsible for Finance, to make regulations establishing schemes for pensions, gratuities and other retiring benefits in respect of the servants of the Corporation and such regulations may include provisions for the grant of benefits to the dependants or the legal personal representatives of such servants.

Pension scheme and other regulations.

(2) The Corporation shall also have power to make regulations relating to the appointment, dismissal, discipline, hours of employment, pay and leave of its servants.

19—(1) Subject to the provisions of this section the Corporation may on the vesting day accept the services of any person who immediately before that day was employed in the Marketing Department as the holder of a post declared to be pensionable or non-pensionable within the meaning of the Pensions Law and such persons shall be deemed to be seconded from the service of the Government to the service of the Corporation; and any person whose services are so accepted is in this section referred to as an "officer".

Transfer of officers to the Corporation.

Cap. 285.

(2) The Governor-General may at any time determine the secondment of an officer.

(3) The Corporation shall within twelve months from the vesting day give to every officer then in its employment by virtue of subsection (1) notice in writing—

- (a) offering him employment on such terms as may be agreed upon between the Minister and the Corporation; or
- (b) of the intention of the Corporation to request the Governor-General to determine his secondment, and the secondment of every officer shall unless sooner determined cease upon the expiration of eighteen months from the vesting day.

(4) The Corporation shall not offer employment to any officer except upon terms and conditions certified under the hand of the Chief Personnel Officer to be in his opinion not less favourable than those enjoyed by the officer in his substantive post at the date of such offer.

(5) The Chief Personnel Officer shall not decline so to certify the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the officer concerned in his substantive post at the date of such offer, if the first mentioned terms and conditions, taken as a whole, in the opinion of the Chief Personnel Officer offer substantially equivalent or greater benefits.

(6) When an officer accepts an offer of employment made in pursuance of this section his service with the Corporation shall be deemed to have commenced, and his service with the Government to have ceased, either—

- (a) at the date of the acceptance of the offer; or
 - (b) upon the expiration of the period of one year from the vesting day,
- whichever is the earlier date.

(7) A contributor making payments in pursuance of the Pensions (Civil Service Widows and Orphans) Law whose service with the Corporation has commenced, and whose service with the Government has ceased, by virtue of subsection (6), may, from the date of the commencement of his service with the Corporation, continue to

make such payments calculated on the salary he was receiving while in the service of the Government, at the same rate and subject to the same terms as if he had continued in the service of the Government at that salary. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow, or his widow and pensionable children, or his pensionable children, as the case may be, shall be entitled, after the death of such contributor, only to a pension computed on the basis of the interest acquired by such contributor at the date of the commencement of his service with the Corporation or of his ceasing to contribute, in accordance with the rule laid down at the end of section 7 of the Pensions (Civil Service Widows and Orphans) Law.

Cap. 286.

(8) In the exercise of any powers conferred upon him by this section, the Governor-General shall act on the advice of the Public Service Commission.

20—Subject to the provisions of section 21 the Corporation may on the vesting day employ in its service, on such terms and conditions as the Corporation may determine, any person (other than an officer within the meaning of section 19) in the employment of the Government and serving in the Marketing Department immediately before the vesting day, and every person so employed by the Corporation shall thereupon cease to be employed by the Government.

Transfer
of other
employees
to the
Corporation.

21—(1) Where any person who, having been employed by the Corporation in accordance with the provisions of section 20, retires from or dies in the service of the Corporation in circumstances in which, if his service with the Corporation had been service with the Government, he or his dependants or legal personal representatives would have been eligible for the grant of a pension, gratuity or other allowance, the Corporation may, with the concurrence of the Minister, grant to him or his dependants or

Retirement,
etc. of
transferred
employees.

legal personal representatives a pension, gratuity or other allowance, not exceeding that for which he or his dependants or legal personal representatives would have been eligible if his service with the Corporation had been service with the Government.

(2) The Government shall pay to the Corporation in respect of any pension, gratuity or other allowance granted under subsection (1) a contribution equal to such proportion of the pension, gratuity or other allowance as the term of service of the employee with the Corporation bears to the total term of his service with the Government and the Corporation.

(3) Nothing in this section shall be construed as preventing the Corporation from granting, in its discretion, any sum or sums to or in respect of any such employee by way of pension, gratuity or other allowance in addition to any pension, gratuity or other allowance granted under the provisions of subsection (1), but the Government shall not be required to make any contribution towards any such additional sum so granted.

SCHEDULE

(Section 3)

- | | |
|----------------------------------|---|
| Constitution of the Corporation. | 1. The Corporation shall consist of such number of persons, not being less than three nor more than seven, as the Minister may from time to time determine. |
| Appointment of members. | 2. The members of the Corporation shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold office for such period not exceeding three years, as the Minister may direct, but shall be eligible for re-appointment. |
| Disqualification. | 3. A person shall be disqualified for being appointed or being a member of the Corporation so long as he is a Senator or a Member of Parliament. |
| Chairman. | 4. The Minister shall appoint one of the members of the Corporation to be the chairman thereof. |
| Leave of absence. | 5. The Minister may grant to any member of the Corporation leave of absence in respect of his duties as a member of the Corporation. |
| Acting appointments. | 6. If the chairman or any other member of the Corporation is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member. |

7. (1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument, such member shall cease to be a member of the Corporation. Resignations.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

8. The Minister may at any time revoke the appointment of any member of the Corporation if he thinks it expedient so to do. Revocation of appointments.

9. The names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the *Gazette*. Gazetting of appointments.

10. (1) The Corporation shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and, subject to the provisions of section 16 of this Act, dispose of land and other property of whatever kind. Incorporation.

(2) The seal of the Corporation shall be kept in the custody of the chairman or the secretary and shall be affixed to instruments pursuant to a resolution of the Corporation in the presence of the chairman or any other member of the Corporation and the secretary.

(3) The seal of the Corporation shall be authenticated by the signatures of the chairman or any other member authorised to act in that behalf and the secretary, and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hands of the chairman, or any other member authorised to act in that behalf, and the secretary of the Corporation.

(5) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name.

11. (1) The Corporation shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Corporation may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Corporation and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Corporation.

(3) The chairman shall preside at all meetings of the Corporation at which he is present, and in case of his temporary absence the members present and constituting a quorum shall elect a chairman from among their number to preside at that meeting.

(4) The quorum of the Corporation shall be such number as the Minister may from time to time determine not being less than one-half the total members of the Corporation.

(5) The decisions of the Corporation shall be by a majority of votes and, in addition to an original vote, the chairman or other person presiding at a meeting shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Corporation shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(7) Subject to the foregoing provisions of this Schedule the Corporation may regulate its own proceedings.

(8) The validity of the proceedings of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Disclosure
of interest.

12. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

- (a) shall disclose the nature of his interest at a meeting of the Corporation; and
- (b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

Protection
of members.

13. (1) No member of the Corporation shall be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operation of the Corporation.

(2) Where any member of the Corporation is exempt from liability by reason only of the provisions of this paragraph the Corporation shall be liable to the extent that it would be if the member was a servant or agent of the Corporation.

Remunera-
tion of
members.

14. There shall be paid from the funds of the Corporation to the chairman and other members of the Corporation such remuneration, whether by way of honorarium, salary or fees, and such allowances as the Minister may determine.

No. 28—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

25th July, 1963

AN ACT to Amend the Trade Law, 1955.

[27th July, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Trade (Amendment) Act, 1963, and shall be read and construed as one with the Trade Law, 1955, hereinafter referred to as the principal Law, and all amendments thereto.

Short title
and con-
struction.
Law 4 of
1955.

2—Section 5 of the principal Law is hereby amended in the following respects—

Amendment
of section 5
of principal
Law.

- (a) by inserting in the marginal note, next after the word “exports”, a comma and the word “hiring”;

- (b) by deleting the fullstop at the end of subsection (1), substituting therefor a semicolon and adding the following paragraph—

“ (f) the terms and conditions on which any class or description of goods specified in the Schedule to this Law shall be hired and the maximum rates of hiring which may be charged in respect of such class or description of goods.”.

Schedule.

Amendment of section 6 of principal Law.

3—Section 6 of the principal Law is hereby amended by deleting the words “specified in section 4”.

Addition of new section 16 to principal Law.

4—The principal Law is hereby amended by the addition thereto of the following section as section 16—

“Power to amend Schedule.

16—(1) The Minister may by order amend the Schedule to this Law or substitute a new Schedule therefor.

(2) Every order made under this section shall be subject to affirmative resolution of the House of Representatives.”.

Addition of Schedule to principal Law.

5—The principal Law is hereby amended by the addition thereto of the following Schedule—

“

SCHEDULE

(Sections 5 and 16)

Television receiver sets.”.

JAMAICA

No. 29—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

25th July, 1963

AN ACT to Postpone the preparation under the Representation of the People Law of the official lists of electors.

[31st May, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Representation of the People (Official Lists) (Special Provisions) Act, 1963, and shall be read and construed as one with the Representation of the People Law (hereinafter referred to as the principal Law) and all amendments thereto and shall be deemed to have come into operation on the 31st day of May, 1963.

Short title,
construction
and commencement.

Cap. 342.

Official lists
not to be
prepared
in 1963.

2—Notwithstanding the provisions of section 8 of the principal Law official lists of electors shall not be prepared in the year 1963 and the principal Law shall be read and construed accordingly.

No. 30—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd August, 1963.

AN ACT to Amend the Sugar (Reserve Funds) Law.

[6th August, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Sugar (Reserve Funds) (Amendment) Act, 1963, and shall be read and construed as one with the Sugar (Reserve Funds) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 373.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section
2 of prin-
cipal Law.

- (a) by deleting the fullstop at the end thereof and substituting therefor a semicolon;

- (b) by adding thereto the following definition—
 “ ‘the Minister’ means the Minister for the time being charged with the responsibility for the subject of the Sugar Industry.’ ”.

Addition of
section 10
to principal
Law.

3—The principal Law is hereby amended by the addition thereto of the following section as section 10—

“Functions
may be per-
formed by
other
Minister.

10—(1) The Prime Minister may by order depute any Minister other than the Minister charged with the responsibility for the subject of the Sugar Industry to perform any of the duties and exercise any of the powers (including the power to make regulations) which are conferred or imposed by this Law upon the Minister last mentioned.

(2) Notwithstanding the making of any order under this section, the Minister charged with the responsibility for the subject of the Sugar Industry may continue to exercise the powers and perform the duties conferred or imposed upon him by this Law and his responsibility for the subject of the Sugar Industry shall not be affected by such order.’ ”.

No. 31—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd August, 1963.

AN ACT to Amend the Industrial Development
Corporation Law.

[1st April, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and House
of Representatives of Jamaica, and by the authority of the
same, as follows:—

1—This Act may be cited as the Industrial Development Corporation (Amendment) Act, 1963, and shall be read and construed as one with the Industrial Development Corporation Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall be deemed to have come into operation on the 1st day of April, 1963.

Short title,
construction
and com-
mencement.

Cap. 160.

2—Subsection (7) of section 3 of the principal Law is hereby amended by deleting therefrom the words “an unofficial member of”

Amendment
of section 3
of principal
Law.

Amendment
of section 10
of principal
Law.

3—Section 10 of the principal Law is hereby amended by deleting from paragraph (b) of the proviso thereto the words “Governor acting in accordance with his own deliberate judgment” and substituting therefor the word “Minister”.

Amendment
of section 33
of principal
Law.

4—Section 33 of the principal Law is hereby amended in the following respects—

- (a) by deleting from subsection (1) thereof the words “calendar year” where those words appear for the first time, and substituting therefor the words “financial year (as defined by the Interpretation Law)”;
- (b) by deleting from paragraph (a) of subsection (1) thereof the words “the preceding calendar” and substituting therefor the word “such”;
- (c) by inserting therein immediately after subsection (2) the following subsection as subsection (3)—

“(3) Notwithstanding the provisions of subsection (1) of this section, the report to be submitted to the Minister during the year 1963 shall contain —

- (a) an account of the transactions of the Corporation for the period commencing on the 1st day of January, 1962, and ending on the 31st day of March, 1963; and
- (b) a statement of the accounts of the Corporation for the same period audited in accordance with the provisions of section 32 of this Law.”.

Cap. 165.

No. 32—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd August, 1963.

AN ACT to Confirm and Validate the Acts of the Negril Area Land Authority, purported to have been performed as the local planning authority for the area described in the Town and Country Planning (Negril and Green Island Area) Development Order, 1958 between the 15th day of September, 1961 and the 18th day of January, 1963, and to indemnify the persons concerned against legal proceedings.

[6th August, 1963]

WHEREAS by the proviso to the definition of "local planning authority" contained in section 2 of the Town and Country Planning Law, 1957 it is provided that, as respects any area situate within two or more parishes, for the purposes of that Law the local planning authority shall be such persons or body as the Minister may in writing appoint:

Preamble.

Law 42 of
1957.

AND WHEREAS pursuant to the said provisions the Minister appointed the Negril Area Land Authority to

be the local planning authority as respects the area described in the Town and Country Planning (Negril and Green Island) Development Order, 1958 for a period ending on the 14th day of September, 1961, and subsequently for the period commencing on the 19th day of January, 1963:

AND WHEREAS between the 15th day of September, 1961 and the 18th day of January, 1963 the Negril Area Land Authority purported to perform the acts of the local planning authority as respects the said area in the mistaken belief that the Authority was empowered to perform them:

AND WHEREAS it is expedient in the interests of the community to confirm and validate the said purported performance of the said acts and to indemnify the persons concerned against legal proceedings:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title.

1—This Act may be cited as the Negril Area Land Authority (Validation and Indemnity) Act, 1963.

Validation of acts, etc.

2—All acts purported to have been performed in good faith by the Negril Area Land Authority as the local planning authority as respects the area described in the Town and Country Planning (Negril and Green Island) Development Order, 1958 between the 15th day of September, 1961 and the 18th day of January, 1963 (both inclusive) are hereby confirmed and validated as fully and effectively as if the said Negril Area Land Authority had been the local planning authority aforesaid between such dates, and the members of the Negril Area Land Authority and all other persons liable to be proceeded against in consequence of those

acts are hereby freed, acquitted, discharged and indemnified as well against the Queen's Most Gracious Majesty, Her Heirs and Successors as against all persons whatever from all legal proceedings of any kind in respect of or consequent on those acts.

No. 33—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

2nd August, 1963.

AN ACT to Validate the acts of certain persons who purported to exercise the functions of members of the Mid-Clarendon Irrigation Authority under the Irrigation Law, and to indemnify the said persons against legal proceedings.

[6th August, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Mid-Clarendon Irrigation Authority (Validation of Acts and Indemnity) Act, 1963. Short title.

2—In this Act “the Authority” means the Mid-Clarendon Irrigation Authority established by the Mid-Clarendon Irrigation Authority (Establishment) Order, 1950. Interpretation.

Validation
and in-
demnity.
Cap. 168.

3—Notwithstanding any failure to comply with any requirements imposed by or under the Irrigation Law as to the appointment of the chairman and members of the Authority—

- (a) all acts done in good faith during the period from the 19th day of August, 1962, to the 15th day of September, 1962, (both inclusive) by any person named or described in the Schedule to this Act in the purported exercise of powers vested by law in the chairman or a member of the Authority are hereby declared in all respects to have been validly, properly and lawfully done; and
- (b) any such person as aforesaid is hereby freed, acquitted, discharged and indemnified as well against The Queen's Most Gracious Majesty, Her Heirs and Successors as against all persons whatever from all legal proceedings of any kind in respect of or consequent on such acts as aforesaid.

Schedule.

SCHEDULE

(Section 3)

Mr. E. A. Ffolkes

The Principal Assistant Secretary, Ministry of Agriculture and Lands dealing with the subject of Irrigation

The Chief Agricultural Officer, Central Division, Ministry of Agriculture and Lands

The Crown Solicitor

Mr. E. A. Moore

Mr. C. I. McWhinnie

Dr. W. S. Duhaney, Jnr.

Mr. F. C. Robinson

Mr. T. G. Mignott

No. 34—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Jamaica Social Welfare Commission Law, 1958.

[The date of any Proclamation issued by the Governor-]
General bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Jamaica Social Welfare Commission (Amendment) Act, 1963, and shall be read and construed as one with the Jamaica Social Welfare Commission Law, 1958 (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor-General by proclamation.

Short title,
construction
and com-
mencement.

Law 33 of
1958.

Amendment
of section
2 of principal
Law.

2—Section 2 of the principal Law is hereby amended by deleting therefrom the definitions of “co-opted member”, “nominated member” and “nominating body”.

Repeal and
replacement
of section 3
of principal
Law.

3—Section 3 of the principal Law is hereby repealed and the following substituted therefor—

“Constitu-
tion of
Commission.

Cap. 176.

3—(1) The Jamaica Social Welfare Commission established by subsection (1) of section 3 of the Jamaica Social Welfare Commission Law (now repealed) shall continue to exist and shall consist of a chairman and not less than two nor more than nine other members appointed by the Minister.

(2) The appointment of every member of the Commission shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years.

(3) Every member shall be eligible for re-appointment.

(4) The Minister may at any time revoke the appointment of any member of the Commission if he thinks it expedient so to do.

(5) The Minister may on the application of any member grant to such member leave of absence for any period not exceeding six months.

(6) If the chairman is granted leave of absence in accordance with the provisions of subsection (5) or is unable to act, the Minister may appoint a person, whether or not such person is already a member of the Commission, to act temporarily in the place of the chairman.

(7) If any member other than the chairman is granted leave of absence in accordance with the provisions of subsection (5) or has been appointed to act as chairman, the Minister may appoint a suitable person to act temporarily in place of such member.

(8) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

(9) Any member of the Commission other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and, upon the date of the receipt by the chairman of such instrument, such member shall cease to be a member of the Commission.

(10) The appointment, revocation of appointment, departure from the Island, resignation or death of any member of the Commission shall be notified in the *Gazette*."

- 4—Section 5 of the principal Law is hereby amended—
- (a) by deleting from subsection (2) the word "five" and substituting therefor the word "two"; and
 - (b) by deleting subsections (3) and (4) and substituting therefor the following—

Amendment
of section 5
of principal
Law.

" (3) The chairman shall preside at all meetings of the Commission, and in the temporary absence of the chairman the members present shall elect one of their number to be chairman of the meeting.

(4) A quorum of the Commission at any meeting shall be such number as the Minister may fix from time to time not being less than one-half of the total members of the Commission.''.

Repeal of
section 6 of
principal
Law.

5—Section 6 of the principal Law is hereby repealed.

Repeal of
section 15 of
principal
Law.

6—Section 15 of the principal Law is hereby repealed.

Repeal of
Schedule to
principal
Law.

7—The Schedule to the principal Law is hereby repealed.

No. 35—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Towns and Communities Law.

[15th August, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Towns and Communities (Amendment) Act, 1963, and shall be read and construed as one with the Towns and Communities Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 384.

2—Section 16 of the principal Law is hereby repealed and the following sections substituted therefor—

Repeal and
replacement
of section 16
of principal
Law.

"Restrictions
on the open-
ing of places
of business
on certain
days.

16—(1) Subject to the provisions of sub-sections (2), (3), (4), (5) and (6) no person shall open any place of business on Sunday, Good Friday or Christmas Day.

Cap. 105. (2) Any shop registered as a pharmacy under the provisions of the Drugs and Poisons Law may be open—

- (a) between the hours of eight o'clock in the morning and twelve o'clock midnight on Sunday for the sale of any article;
- (b) between the hours of eight o'clock in the morning and twelve o'clock midnight on Good Friday and Christmas Day for the sale of any drug as defined in the Drugs and Poisons Law :

Provided that no person other than the holder of a druggist's licence shall be employed in such shop on Good Friday and Christmas Day.

(3) Any shop within the terminal buildings of the Palisadoes and Montego Bay Airports may be open on Sunday.

(4) Lodging houses designed for the accommodation of travellers and lodgers and establishments for the sale of motor fuel or oils may be open on Sunday, Good Friday and Christmas Day.

(5) Public wharves may be open—

- (a) on Sunday for the purpose of landing or shipping goods, for the embarkation or disembarkation of passengers, and for the landing and delivery of their baggage, or for permitting the delivery of perishable commodities and urgently needed drugs or medical supplies;

- (b) on Good Friday and Christmas Day for the disembarkation of passengers and the landing and delivery of baggage carried by passengers in their cabins.

(6) The following classes of establishments may be open before ten o'clock in the morning and after five o'clock in the afternoon on the days specified in respect of each class, that is to say—

- (a) establishments for the sale of bread or ice, on Sunday, Good Friday and Christmas Day;
- (b) public markets, on Sunday;
- (c) establishments for the printing or publishing of newspapers, on Sunday and Christmas Day.

(7) Every person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding ten pounds and in default of payment to imprisonment for a term not exceeding thirty days.

Special
power of
opening
wharves.

16A—Notwithstanding the provisions of section 16, where it appears to the Minister that special circumstances exist rendering it necessary or expedient that any public wharf should be opened on Sunday, Good Friday or Christmas Day for the purpose of securing the maintenance of supplies or services essential to the life of the community he may in writing give authority accordingly.”.

Amendment
of section 17
of principal
Law.

3—Section 17 of the principal Law is hereby amended in the following respects—

- (a) by deleting the words “during the hours of divine service on”;
- (b) by deleting the proviso and substituting the following—

“Provided that nothing in this section shall prevent the sale—

(a) on Sunday, of articles—

- (i) in pharmacies;
- (ii) in shops within the terminal buildings of the Palisadoes and Montego Bay Airports;
- (iii) in public markets;

(b) on Sunday, Good Friday and Christmas Day of any drug as defined in the Drugs and Poisons Law, milk, bread, ice, vegetables, grass or motor fuel or oils;

(c) on Sunday and Christmas Day of newspapers.”.

Cap. 105.

No. 36—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Jamaica Youth Corps Law, 1956.

[24th April, 1962]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Jamaica Youth Corps (Amendment) Act, 1963, and shall be read and construed as one with the Jamaica Youth Corps Law, 1956 (hereinafter referred to as the principal Law) and all amendments thereto, and shall be deemed to have come into operation on the 24th day of April, 1962.

Short title,
construction
and com-
mencement.
Law 57 of
1956.

2—Section 2 of the principal Law is hereby amended by deleting therefrom the definition of the word "Minister".

Amendment
of section 2
of principal
Law.

No. 37—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Marine Board Law.

[15th August, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Marine Board (Amendment) Act, 1963, and shall be read and construed as one with the Marine Board Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 236.

2—Section 63 of the principal Law is hereby amended in the following respects—

Amendment
of section 63
of principal
Law.

- (a) by deleting from the section and the marginal note thereto the word "Imperial" and substituting therefor the words "United Kingdom";

- (b) by deleting the fullstop at the end of the section and substituting therefor a comma and the following words—

“so, however, that in the application of those Acts—

- (a) the national colours of any ship, boat or other vessel which—

- (i) is registered in the Island; or
(ii) being a vessel not exceeding fifteen tons burden and employed solely in navigation on the rivers and coasts of the Island, is owned by a resident in the Island,

shall be deemed to be the Jamaican flag, or such other flag as may be authorised by the Government for the purpose, and those Acts shall be modified accordingly;

- (b) subsection (3) of section 74 of the United Kingdom Act 57 and 58 Victoria, chapter 60, shall be omitted.”.

No. 38—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Harbour Fees and
Light Dues Law.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Harbour Fees and
Light Dues (Amendment) Act, 1963, and shall be read
and construed as one with the Harbour Fees and Light
Dues Law (hereinafter referred to as the principal Law)
and all amendments thereto, and shall come into operation
on a day to be appointed by the Minister by notice.

Short title,
construction
and com-
mencement.

Cap. 143.

2—Section 2 of the principal Law is hereby amended
by deleting the definition of "coasting vessels".

Amendment
of section 2
of principal
Law.

Repeal and replacement of sections 3 and 4 of principal Law.

3—Sections 3 and 4 of the principal Law are hereby repealed and the following sections substituted therefor—

“Vessels shall pay harbour fees.

3—Subject to the provisions of this Law all vessels entering any harbour of this Island shall pay such harbour fees as may be prescribed under this Law in respect of such harbour.

Power to fix harbour fees.

4—The Minister may from time to time by order prescribe the harbour fees to be paid under this Law and such order may prescribe different harbour fees in respect of—

(a) different harbours;

(b) different categories of vessels.”.

Amendment of section 5 of principal Law.

4—Section 5 of the principal Law is hereby amended by deleting the words “by section 3 of this Law, or such as shall be fixed by the Minister” and substituting therefor the words “under this Law”.

Amendment of section 8 of principal Law.

5—Section 8 of the principal Law is hereby amended by deleting the comma and the words “not exceeding threepence” appearing next after the word “dues”.

Amendment of section 9 of principal Law.

6—Section 9 of the principal Law is hereby amended by deleting the comma and all the words appearing after the word “payable”.

Addition of new sections 14 and 15 to principal Law.

7—The principal Law is hereby amended by the addition of the following sections as sections 14 and 15—

“Orders to be subject to affirmative resolution.

14—Every order made under this Law shall be subject to affirmative resolution of the House of Representatives,

Saving. 15—Any harbour fees or light dues fixed under this Law and existing immediately before the commencement of the Harbour Fees and Light Dues (Amendment) Act, 1963, shall continue in force after the commencement of that Act and may at any time thereafter be varied or revoked by an appropriate order under this Law.”.

Act 38 of
1963.

8—The Schedule to the principal Law is hereby repealed.

Repeal of
Schedule to
principal
Law.

No. 39—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

12th August, 1963

AN ACT to Amend the Scientific Research Council
Law, 1960.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Scientific Research Council (Amendment) Act, 1963, and shall be read and construed as one with the Scientific Research Council Law, 1960, hereinafter referred to as the principal Law, and shall come into operation on a day to be appointed by the Minister by notice.

Short title,
construction
and com-
mencement.
Law 30 of
1960.

2—Section 3 of the principal Law is hereby amended by deleting from subsection (2) the words “ten” and “fifteen” and substituting therefor the words “fifteen” and “twenty”, respectively.

Amendment
of section 3
of principal
Law.

Amendment
of section 6
of principal
Law.

3—Section 6 of the principal Law is hereby amended by deleting from subsection (4) the words “half the number of” and substituting therefor the words “seven other”.

Amendment
of section 8
of principal
Law.

4—Section 8 of the principal Law is hereby amended by deleting from paragraph (b) of the proviso the words “Governor acting in accordance with his own deliberate judgment” and substituting therefor the word “Minister”.

Amendment
of section 12
of principal
Law.

5—Section 12 of the principal Law is hereby amended by inserting in subsection (1) next after the word “appointed” the words “in each year”.

JAMAICA

No. 40—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

13th August, 1963

AN ACT to Amend the Judicature (Resident Magistrates)
Law.

[15th August, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same, as follows:—

1—This Act may be cited as the Judicature (Resident Magistrates) (Amendment) Act, 1963, and shall be read and construed as one with the Judicature (Resident Magistrates) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 179.

2—Section 4 of the principal Law is hereby amended by deleting the word "twenty-five" and substituting therefor the word "thirty".

Amendment
of section 4
of principal
Law.

No. 41—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

13th August, 1963

AN ACT to Amend the Cocoa Industry Board Law, 1957.

[15th August, 1963]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Cocoa Industry Board (Amendment) Act, 1963, and shall be read and construed as one with the Cocoa Industry Board Law, 1957 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Law 21 of
1957.

2—Section 2 of the principal Law is hereby amended by inserting therein, immediately after the definition of "export" the following—

Amendment
of section 2
of principal
Law.

“ “financial year” means the twelve months ending on the 30th September in any year;”.

Amendment
of section 16
of principal
Law.

3—Section 16 of the principal Law is hereby amended in the following respects—

- (a) by deleting subsection (1) and substituting therefor the following—

“(1) Within four months after the end of each financial year the Board shall prepare and present to the Minister a report of its proceedings during that year, including a statement of its accounts for that year, audited in accordance with the provisions of section 15 of this Law:

Act 41
of 1963.

Provided that the first report to be presented by the Board after the commencement of the Cocoa Industry Board (Amendment) Act, 1963, shall be in respect of the period commencing on the 1st day of April, 1962, and ending on the 30th day of September, 1963, and shall include a statement of its accounts for the same period, audited in accordance with the provisions of section 15 of this Law.”;

- (b) by deleting from subsection (3) the dates “thirty-first day of October,” “first day of April”, and “31st day of March” and substituting therefor the dates “thirtieth day of June”, “first day of October” and “30th day of September” respectively;
- (c) by inserting therein immediately after subsection (3) the following as subsection (4)—

“(4) Notwithstanding the provisions of subsection (3) of this section, the Board shall, on or before the 31st day of October, 1963, submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the 1st day of April, 1964, and ending on the 30th day of September, 1964.”.

No. 42—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General.

5th November, 1963

AN ACT to Make Special Provisions in relation to the mode of trial and punishment of certain offences, and for related purposes.

[5th November, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Prevention of Crime Short title.
(Special Provisions) Act, 1963.

2—(1) Subject to subsection (2), the enactments specified in the Schedule are hereby amended in the manner respectively so specified. Miscellaneous amendments. Schedule.

(2) The amendments made by subsection (1) shall have effect only in relation to offences committed on or after the commencement of this Act.

Amendment
of Juveniles
Law.
Cap. 189.

3—The Juveniles Law is hereby amended by inserting next after section 86 the following section as section 87—

“ Exclusion
of Schedule
to Act 42 of
1963.

87—The amendments effected by the Schedule to the Prevention of Crime (Special Provisions) Act, 1963, shall not apply to a juvenile.”.

SCHEDULE

(Section 2)

ENACTMENTS

AMENDMENTS

The Criminal Justice (Administration) Law, Cap. 83.

Insert next after section 22 the following section as section 22A—

“Certain
proceed-
ings to be
in camera.

22A—(1) At any proceedings in relation to any offence to which this section applies the public shall in the interest of public morality be excluded during the hearing, so, however, that the passing of sentence shall in any case take place in public.

(2) The offences to which this section applies are—

(a) rape;

(b) offences against sections 43, 45, 48 and 58 of the Offences against the Person Law;

Cap. 268.

(c) offences against sections 36 or 37 of the Larceny Law where the felony committed in the dwelling-house or, as the case may be, in any such place as is mentioned in paragraph (1) of the said section 37 is rape.”.

Cap. 212.

Enactments

Amendments

The Judicature (Resident Magistrates) Law, Cap. 179

section 268

- (a) Insert in paragraph (b) of subsection (1) next after the figures "34" the words "subsections (2) and (3)".
- (b) Insert in the proviso to subsection (2) next after the words "in this section" the words "other than an offence specified in section 12 or subsection (2) or (3) of section 34 of the Larceny Law, in relation to which a Court may award a sentence not exceeding two years' imprisonment".

Cap. 212.

The Larceny Law, Cap. 212

section 12

Delete subsection (2).

section 34

- (a) Delete from subsection (1) the words "exceeding fifteen years" and substitute therefor the words "less than five years and not exceeding twenty-one years and shall in addition be flogged".
- (b) Delete from subsection (2) the word "ten" and substitute therefor the word "fifteen".
- (c) Delete from subsection (3) the word "five" and substitute therefor the word "ten".

section 36

Delete all the words in the section appearing after the words "on conviction thereof" and substitute therefor a dash and the following words—

- "(i) where the felony committed in the dwelling-house is rape, shall be liable to imprisonment for life or for a term not less than ten years and shall in addition be flogged; and
- (ii) in any other case shall be liable to imprisonment for a term not less than seven years and not exceeding twenty-one years and shall in addition be flogged."

section 37

Delete all the words in the section appearing after the words "on conviction thereof" and substitute therefor a dash and the following words—

Enactments

Amendments

The Offences against the
Person Law, Cap. 268
section 39

“(a) where the felony committed in any such place is rape, shall be liable to imprisonment for life or for a term not less than ten years and shall in addition be flogged; and

(b) in any other case shall be liable to imprisonment for a term not exceeding ten years.”.

Delete the section and substitute therefor the following—

“Rape. 39—(1) Whosoever shall be convicted of the crime of rape shall be guilty of felony, and being convicted thereof—

(a) where at the time of commission of the crime he was armed with a dangerous or offensive weapon or instrument, shall be liable to imprisonment for life or for a term not less than ten years, and shall in addition be flogged;

(b) in any other case shall be liable to imprisonment for life or for a term not less than seven years, and shall in addition be flogged.

(2) A person who is convicted of an attempt to commit rape—

(a) where at the time of the attempt he was armed with a dangerous or offensive weapon or instrument shall be liable to imprisonment for a term not less than five years and not exceeding ten years and shall in addition be flogged; and

(b) in any other case shall be liable to imprisonment for a term not less than

Enactments

Amendments

three years and not exceeding seven years and shall in addition be flogged.

(3) For the purposes of this section a firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument.

(4) In this section—

“firearm” means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged;

“imitation firearm” means anything which has the appearance of being a firearm, whether it is capable of discharging any shot, bullet or other missile or not.”

section 43

Delete all the words in the section appearing after the word “liable” and substitute therefor the words “to imprisonment for life or for a term not less than ten years and in addition shall be flogged.”.

section 44

Insert before the word and figures “section 45” where they appear for the second time the words “section 43 or”.

section 45

Delete all the words in the section appearing after the word “liable” and substitute therefor the words “to imprisonment for a term not exceeding five years:

Provided that in the case of a man of twenty-three years of age or under, the presence of reasonable cause to believe that the girl was over the age of fourteen years shall be a valid defence on the first occasion on which he is charged with an offence under this section.”.

Enactments	Amendments
section 46	Delete the proviso.
The Prevention of Crime (Emergency Provisions) Law, Cap. 305	
section 3	<p>(a) Delete from paragraph (a) the words "section 39, or section 43, or".</p> <p>(b) Insert in paragraph (a) before the word and figures "section 34" the words "subsection (2) or (3) of".</p> <p>(c) Insert in paragraphs (c) and (d) next after the words "of this subsection" the words "or any offence under section 39 or 43 of the Offences against the Person Law, or under subsection (1) of section 34 of the Larceny Law".</p>
Cap. 212.	
section 7	Delete the section.

No. 43-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963.

AN ACT to Allow and Confirm Certain Expenditure
incurred in the Financial Year 1957-58.

[10th December, 1963]

WHEREAS expenditure of the amount of Three Million Preamble.
Three Hundred and Twelve Thousand Seven Hundred
and Twenty-Four Pounds Nineteen Shillings and Four-
pence was necessarily incurred during the financial year
1957-58 on certain services (not provided by the Appro-
priation Law, 1957) and it is now requisite to make a Law 6 of 1957.
further provision for Three Million Three Hundred and
Twelve Thousand Seven Hundred and Twenty-Four
Pounds Nineteen Shillings and Four-pence:

AND WHEREAS expenditure of the amount of One
Hundred and Five Thousand Nine Hundred and Nine
Pounds Nine Shillings and Four-pence was necessarily
incurred during the said financial year by the General

Manager of the Jamaica Government Railway for defraying the several charges and expenses of the said Railway (not provided by the Appropriation Law, 1957) and it is now requisite to make a further provision for One Hundred and Five Thousand Nine Hundred and Nine Pounds Nine Shillings and Four-pence:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title.

1—This Act may be cited as the Supplementary Appropriation (1957-58) Act, 1963.

Amount
authorised
for the
financial
year 1957-58.

2—The expenditure in respect of the financial year 1957-58 to the amount of Three Million Three Hundred and Twelve Thousand Seven Hundred and Twenty-Four Pounds Nineteen Shillings and Four-pence on certain services set forth in the First Schedule to this Act and not provided for or not fully provided for by the Appropriation Law, 1957, is hereby allowed and confirmed.

First
Schedule
Law 6 of
1957.

Amount
authorised
for the
Jamaica
Government
Railway
for the
financial
year
1957-58.
Second
Schedule.

3—The expenditure of the Jamaica Government Railway in respect of the financial year 1957-58 to the amount of One Hundred and Five Thousand Nine Hundred and Nine Pounds Nine Shillings and Four-pence on the several charges and expenses set forth in the Second Schedule to this Act and not provided for or not fully provided for by the Appropriation Law, 1957, is hereby allowed and confirmed.

FIRST SCHEDULE
 1957-1958

(Section 2)

Head

1	His Excellency the Governor and Staff	£	956	7	11
1A	Chief Secretary's Office		13,922	1	6
3	Legislature		443	14	3
4	Chief Minister's Office and Ministry of Development		2,479	8	6
9	Defence		10,194	17	11
11	Attorney General		1,133	9	10
14	Supreme Court		538	6	8
17	Administrator General		29	5	2
18	Bankruptcy		504	8	7
19	Collector General		40,465	7	3
20	Currency		37,931	7	11
22	Income Tax		7,253	13	11
25	Miscellaneous		482,393	5	5
26	Pensions		72,144	15	8
28	Loans and Long-Term Advances		59,206	18	0
33	Forests		414	13	0
35	Registration of Titles		1,931	17	2
38	Ministry of Health		279,370	8	7
41A	Ministry of Home Affairs		385,802	3	0
43	Department of Housing		55,660	8	5
44A	Ministry of Housing and Social Welfare		8,663	15	4
45	Ministry of Education and Social Welfare		8,489	15	2
46	Department of Education		198,578	19	11
47	Child Care and Protection		12,558	1	6
49	Social Welfare Services		457	17	3
49A	Ministry of Education		94	8	11
51	Marketing Department		5,513	1	10
54	Printing Office		49,917	16	11
55	Electoral Office		100,942	8	5
57	Civil Aviation Department		14,410	10	3
59	Post and Telegraphs		70,970	10	9
60	Railway		75,600	0	0
62	Public Works Department		97,517	5	9
63	Public Works Recurrent		167,279	8	8
65	Extraordinary Expenditure		1,048,954	0	0
			<hr/>		
			£3,312,724	19	4
			<hr/>		

SECOND SCHEDULE				(Section 3)		
Abstract B	Miscellaneous	...	...	£ 29,388	8	9
C	Engineering Branch	...	...	23,092	8	3
D	Locomotive Carriage and Waggon Branch	...	...	24,108	5	9
E	Traffic Branch	...	...	10,024	10	7
F	Special Expenditure	...	...	19,095	6	2
H	Interest Charges	...	...	200	9	10
				<hr/>		
				£105,909	9	4
				<hr/>		

JAMAICA

No. 44-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963.

AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1959 and to appropriate the sum so applied and to allow and confirm certain expenditure.

[10th December, 1963]

WHEREAS by the Appropriation Law, 1958 the Accountant General was authorised on the warrant of the Governor to pay out of the revenues and funds of the Island a sum not exceeding in the aggregate twenty-five million three hundred and ninety-seven thousand four hundred and forty-two pounds for defraying the several charges and expenses of the civil government of the Island and for other purposes for the financial year ending on the 31st day of March, 1959:

Preamble.
Law 30 of
1958.

AND WHEREAS it is necessary to make further provision for defraying such charges and expenses as aforesaid and for other purposes:

Law 30
of 1958.

AND WHEREAS expenditure of the amount of Forty-eight Thousand One Hundred and Twenty Pounds One Shilling and Ten-pence was necessarily incurred during the said financial year by the General Manager of the Jamaica Government Railway for defraying the several charges and expenses of the said Railway (not provided by the Appropriation Law, 1958) and it is now requisite to make a further provision for Forty-eight Thousand One Hundred and Twenty Pounds One Shilling and Ten-pence.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title.

1—This Act may be cited as the Supplementary Appropriation (1958-59) Act, 1963.

Expenditure
authorised.

2—In addition to the sum authorised by the Appropriation Law, 1958 the Accountant General may on the warrant of the Minister issue out the Consolidated Fund a sum not exceeding in the aggregate one million nine hundred and fifteen thousand five hundred and thirty-one pounds for defraying the several charges and expenses of the civil government of Jamaica and for other services for the financial year ending on the 31st day of March, 1959.

Appropriation.
First
Schedule.

3—The sum granted by section 2 is hereby appropriated to the services expressed in the First Schedule.

Amount
authorised
for the
Jamaica
Government
Railway for
financial
year 1958-59
Second
Schedule.

4—The expenditure of the Jamaica Government Railway in respect of the financial year 1958-59 to the amount of Forty-eight Thousand One Hundred and Twenty Pounds One Shilling and Ten-pence on the several charges and expenses set forth in the Second Schedule to this Act and not provided for or not fully provided for by the Appropriation Law, 1958, is hereby allowed and confirmed.

FIRST SCHEDULE

(Section 3)

Schedule showing Supplementary Sums Granted to defray the charges of the several heads of expenditure herein particularly mentioned in respect of the year ended on 31st March, 1959.

Head	Supplementary Sum Granted
2. H.E. the Governor and Staff ...	£1,115 0 0
4. Legislature ...	4,718 0 0
5. Chief Secretary's Office ...	248 0 0
7. Chief Minister's Office and Ministry of Development ...	6,150 0 0
11. Office of the Legal Draftsmen ...	2,703 0 0
13. Accountant General ...	179 0 0
14. Administrator General ...	18 0 0
15. Bankruptcy ...	278 0 0
16. Collector General ...	600 0 0
17. Currency ...	31,012 0 0
18. Income Tax ...	3,090 0 0
21. Miscellaneous ...	81,243 0 0
22. Pensions ...	15,554 0 0
23. Public Debts Charges ...	311 0 0
24. Loans and Long Term Advances ...	23,105 0 0
25. Special Funds ...	530 0 0
26. Ministry of Agriculture and Lands ...	55,424 0 0
29. Forests ...	299 0 0
30. Lands ...	28,376 0 0
31. Registration of Titles ...	4,688 9 6
33. Surveys ...	92,499 0 0
34. Ministry of Health ...	123,862 0 0
35. Bellevue Hospital ...	21,400 0 0
37. Registrar General's Department and Island Record Office ...	125 0 0
38. Ministry of Home Affairs ...	679,835 0 0
39. Police ...	336 0 0
40. Attorney General ...	480 0 0
42. Resident Magistrates Court ...	2,281 2 9
44. Ministry of Housing and Social Welfare ...	12,184 0 0
45. Department of Housing ...	16,553 0 0
46. Town Planning ...	500 0 0
48. Social Welfare Services ...	577 0 0
49. Ministry of Education ...	113,292 0 0
50. Child Care and Protection ...	10,989 0 0
52. Printing Office ...	12,859 0 0
53. Ministry of Trade and Industry ...	6,800 0 0
57. Ministry of Communications and Works ...	7,020 0 0
58. Civil Aviation Department ...	140 0 0
59. Harbours ...	5,794 0 0
Carried Forward ...	£1,367,167 12 3

Head				Supplementary Sum Granted		
		Brought Forward	...	1,367,167	12	3
60.	Post and Telegraphs	...	...	25,517	2	1
61.	Railway	...	...	98,728	0	0
64.	Public Works Recurrent	...	...	321,114	0	0
65.	Public Works Extraordinary	...	...	103,004	0	0
Total				£1,915,530	14	4

SECOND SCHEDULE

(Section 4)

Abstract A	Management, Accounts, Audit and Stores	...	...	£12,312	19	1
B	Miscellaneous	...	...	14,425	12	9
C	Engineering Branch	...	...	6,943	12	0
E	Traffic Branch	...	...	5,073	8	4
F	Special Expenditure	...	...	9,261	14	4
H	Interest Charges	...	...	102	15	4
				£48,120	1	10

JAMAICA

No. 45-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963

AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1960, and to appropriate the sum so applied.

[10th December, 1963]

WHEREAS by the Appropriation Law, 1959, the Preamble.
Accountant General was authorised on the warrant of
the Minister to issue out of the Consolidated Fund a sum Law 31 of 1959.
not exceeding in the aggregate thirty-two million and six
hundred and one thousand three hundred and sixty-
nine pounds for defraying the several charges and expenses
of the civil government of the Island and for other pur-
poses for the financial year ending on the 31st day of
March, 1960:

AND WHEREAS it is necessary to authorise further issues
from the Consolidated Fund for defraying such charges
and expenses as aforesaid and for other purposes:

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the
authority of the same as follows:—

Short title. 1—This Act may be cited as the Supplementary Appropriation (1959-60) Act, 1963.

Expenditure authorised. 2—In addition to the sum authorised by the Appropriation Law, 1959, the Accountant General may on the warrant of the Minister issue out of the Consolidated Fund a sum not exceeding in the aggregate Three Million Six Hundred and Sixty-eight Thousand One Hundred and Twenty-five pounds for defraying the several charges and expenses of the civil government of Jamaica and for other services for the financial year ending on the 31st day of March, 1960.

Appropriation. Schedule. 3—The sum granted by section 2 is hereby appropriated to the services expressed in the Schedule.

SCHEDULE (Section 3)

Schedule showing supplementary sums granted and sums which may be applied as Appropriations-in-Aid in addition thereto to defray the charges of the several Heads of Expenditure herein particularly mentioned, in respect of the year ended on 31st March, 1960.

Head	Supplementary Sum Granted	Appropriations-in-Aid
	£	£
2. Audit	385	
3. Legislature	20,201	
4. Chief Secretary	996	
5. Chief Minister's Office and Ministry of Development	20	
5A. Chief Minister's Office and Ministry of Development (Capital)	1,439	
6. Department of Statistics	4,960	
9. Office of the Legal Draftsmen	2,350	
11. Ministry of Finance	2,000	
11A. Ministry of Finance (Capital Financing Provisions)	38,100	
12. Accountant General	1,275	
13. Administrator General	4,009	
15. Collector General	770	
16. Currency	17,923	
17. Income Tax	179	
18. Savings Bank	4,076	
Carried forward	£98,683	

Head			Supplementary Sum Granted	Appropriations- in-Aid
			£	£
Brought forward			98,683	
20.	Miscellaneous	...	179,630	
21.	Pensions	...	4,500	
25.	Ministry of Agriculture and Lands	...	1,015	
25A.	Ministry of Agriculture and Lands (Capital)	...	12,440	
30.	Registration of Titles	...	3,946	
31.	Rio Cobre Irrigation	...	2,500	
33.	Ministry of Health	...	255,541	
33A.	Ministry of Health (Capital)	...	108,146	
34.	Bellevue Hospital	...	24,157	
36.	Registrar General and Island Record Office	...	114	
37.	Ministry of Home Affairs	...	26,507	
37A.	Ministry of Home Affairs (Capital)	...	439,163	
38.	Local Government Contributions	...	678,673	
39.	Police	...	29,989	
40.	Attorney General	...	5,767	
42.	Resident Magistrates Courts	...	8,254	
43.	Supreme Court	...	1,202	
44.	Ministry of Housing and Social Welfare	...	3,213	
44A.	Ministry of Housing and Social Welfare (Capital)	...	81	
45.	Department of Housing	...	36,593	
46.	Prisons	...	43,877	
47.	Probation Services	...	240	
48.	Ministry of Education	...	152,666	
49.	Electoral Office	...	35,143	
50.	Printing Office	...	75,409	1 9 —58,845
51.	Ministry of Trade and Industry	...	1,004	
51A.	Ministry of Trade and Industry (Capital)	...	5,000	
52.	Marketing Department	...	4,000	
55.	Ministry of Communications and Works	...	143,338	
55A.	Ministry of Communications and Works (Capital)	...	744,784	
56.	Civil Aviation	...	707	
57.	Harbours	...	30,000	
58.	Post and Telegraphs	...	222,567	
59.	Public Works Recurrent	...	230,431	2 6
Total			£3,609,280	4 3 —£58,845

No. 46-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963.

AN ACT to Apply a sum out of the Consolidated Fund to the service of the year ending on the 31st day of March, 1961, and to appropriate the sum so applied.

[10th December, 1963]

WHEREAS by the Appropriation Law, 1960, the Accountant General was authorised on the warrant of the Minister to issue out of the Consolidated Fund a sum not exceeding in the aggregate Thirty-two Million and Eight Hundred and Seventy-six Thousand One Hundred and Fifty-six pounds for defraying the several charges and expenses of the civil government of the Island and for other purposes for the financial year ending on the 31st day of March, 1961:

Preamble.

Law 22 of 1960.

AND WHEREAS it is necessary to authorise further issues from the Consolidated Fund for defraying such charges and expenses as aforesaid and for other purposes:

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same as follows:—

Short title. **1**—This Act may be cited as the Supplementary Appropriation (1960-61) Act, 1963.

Expenditure authorised. Law 22 of 1960. **2**—In addition to the sum authorised by the Appropriation Law, 1960 the Accountant General may on the warrant of the Minister issue out of the Consolidated Fund a sum not exceeding in the aggregate Two Million Nine Hundred and Thirty-seven Thousand Seven Hundred and Sixty-nine pounds for defraying the several charges and expenses of the civil government of Jamaica and for other services for the financial year ending on the 31st day of March, 1961.

Appropriation. Schedule. **3**—The sum granted by section 2 is hereby appropriated to the services expressed in the Schedule.

SCHEDULE

(Section 3)

Schedule showing supplementary sums granted and sums which may be applied as Appropriations-in-Aid in addition thereto to defray the charges of the several Heads of Expenditure herein particularly mentioned in respect of the year ended 31st March, 1961.

Head	Supplementary Sum Granted	Appropriations-in-Aid
	£	£
1. His Excellency the Governor and Staff	2,367 16 0	
3. Legislature	2,377 0 0	
5. Office of the Premier and Ministry of Development	157,865 0 0	
5A. Office of the Premier and Ministry of Development (Capital)	226,982 0 0	
8. Department of Mines	10 0 0	
12. Accountant General	1,807 0 0	
13. Administrator General	666 4 6	
15. Collector General	430 0 0	
16. Currency	40,575 0 0	
17. Income Tax	1,000 0 0	
19. Stamp Duties and Estate Duties	1,800 0 0	
20. Miscellaneous	130,396 0 0	
21. Pensions	120,776 8 11	
25. Ministry of Agriculture and Lands	4,000 0 0	
25A. Ministry of Agriculture and Lands (Capital)	102,250 0 0	
Carried forward	£793,302 9 5	

Head		Supplementary Sum Granted	Appropriations- in-Aid
		£	£
Brought forward		793,302 9 5	
27.	Co-operative Department ...	300 0 0	
29.	Lands ...	1,823 0 0	
30.	Registration of Titles ...	899 9 4	
32.	Surveys ...	400 0 0	
33.	Ministry of Health ...	197,417 0 0	
33A.	Ministry of Health (Capital) ...	9,684 0 0	
36.	Registrar General and Island Record Office ...	4,226 0 0	
37.	Ministry of Home Affairs ...	17,421 0 0	
37A.	Ministry of Home Affairs (Capital) ...	454,370 0 0	
38.	Local Government Contributions ...	336,906 0 0	
39.	Police ...	126,917 0 0	
40.	Attorney General ...	5,153 0 0	
42.	Resident Magistrates Courts ...	3,550 0 0	
43.	Supreme Court ...	2,930 0 0	
44.	Ministry of Housing and Social Welfare ...	30,279 0 0	
44A.	Ministry of Housing and Social Welfare (Capital) ...	250,500 0 0	
45.	Department of Housing ...	38,017 10 1	—14,155
46.	Prisons ...	22,025 16 2	
48.	Ministry of Education ...	23,015 0 0	
50.	Printing Office ...	56,905 0 0	—18,000
51.	Ministry of Trade and Industry ...	23,831 0 0	
51A.	Ministry of Trade and Industry (Capital) ...	145,125 0 0	
52.	Marketing Department ...	1,125 0 0	
54.	Ministry of Labour ...	5,985 0 0	
55.	Ministry of Communications and Works ...	16,471 0 0	
55A.	Ministry of Communications and Works (Capital) ...	45,500 0 0	17,500
56.	Civil Aviation Department ...	2,860 0 0	
57.	Harbours ...	189 18 6	
58.	Post and Telegraphs ...	158,987 13 2	
59.	Public Works Recurrent ...	146,998 0 0	
Total ...		£2,923,113 16 8	—£14,655

No. 47-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963.

AN ACT to Amend the Defamation Law, 1961.

[10th December, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Defamation (Amendment) Act, 1963, and shall be read and construed as one with the Defamation Law, 1961, hereinafter referred to as the principal Law.

Short title
and con-
struction.
Law 33 of
1961.

2—Section 2 of the principal Law is hereby amended by the addition thereto of the following subsection as subsection (6)—

Amendment
of section 2
of principal
Law.

“(6) Where words are transmitted by
broadcast over—

(a) a closed circuit television system;

or

(b) a re-diffusion system,
the provisions of this Law shall apply as if the transmission were broadcasting by means of wireless telegraphy.

In this subsection the expressions "closed circuit television system" and "re-diffusion system" have the same meaning respectively as they have in the Broadcasting and Radio Re-Diffusion Law."

Cap. 47.

Amendment
of section 12
of principal
Law.

3—Section 12 of the principal Law is hereby amended by deleting the words "or of The West Indies".

Amendment
of Schedule
to principal
Law.

4—The Schedule to the principal Law is hereby amended in the following respects—

- (a) by deleting from paragraph 2 the words "the Federation of Malaya," and substituting therefor the words "Malaysia, the Republic of Nigeria, the Republic of Tanganyika, Uganda,";
- (b) by deleting from paragraph 4 the words "or The West Indies or Her Majesty's Government in The West Indies";
- (c) by deleting from paragraph 6 the words "or The West Indies";
- (d) by deleting sub-paragraph (c) of paragraph 12 and substituting therefor the following—
 " (c) any commission, tribunal, committee, or person appointed for the purpose of any enquiry by any law of Jamaica, or by Her Majesty or by the Governor-General or by a Minister;"

No. 48-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963.

AN ACT to Amend the Banking Law, 1960.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Banking (Amendment) Act, 1963, and shall be read and construed as one with the Banking Law, 1960, hereinafter referred to as the principal Law, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title,
construc-
tion and
commence-
ment.

Law 31 of
1960.

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment
of section 2
of principal
Law.

- (a) by deleting the definition of "Commonwealth" and substituting therefor the following definition—

“ “Commonwealth” means the Commonwealth as defined in section 1 of the Constitution of Jamaica;”;

- (b) by deleting from the definition of "licensed alien" all the words appearing after the words "of this Law" and substituting therefor the words "held a licence under that Law".

Amendment
of section 12
of principal
Law.

3—Subsection (2) of section 12 of the principal Law is hereby amended by deleting from paragraph (e) thereof the words "or of the United Kingdom".

No. 49-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

9th December, 1963

AN ACT to Amend the Loans (Temporary Borrowings)
Law, 1957.

[10th December, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty,
by and with the advice and consent of the Senate and
House of Representatives of Jamaica, and by the authority
of the same as follows:—

1—This Act may be cited as the Loans (Temporary Borrowings) (Amendment) Act, 1963, and shall be read and construed as one with the Loans (Temporary Borrowings) Law, 1957, hereinafter referred to as the principal Law.

Short title
and con-
struction.

Law 34 of
1957.

2—The sections of the principal Law specified in the first column of the Schedule are hereby amended in the respects specified in the second column of the Schedule.

Amendment
of principal
Law.
Schedule.

SCHEDULE

(Section 2)

Section	Amendment
2	Substitute a comma for the fullstop at the end of the section and add immediately thereafter the words 'and "estimated recurrent revenue" means estimated revenue of Jamaica other than revenue from loans.'
3	<p>(a) Delete from subsection (1) the words "subsections (2) and (3) of this section, the Governor" and substitute therefor the words "subsection (2), the Minister".</p> <p>(b) Delete from subsection (2) all punctuation marks and words appearing after the word "exceed" and substitute therefor the following— " fifteen per centum of the estimated recurrent revenue for the financial year in which that sum is raised."</p> <p>(c) Delete subsection (3).</p>
4	Delete the words "amount which at any time remains to be raised under the authority of the local loan Laws" and substitute therefor the words "estimated recurrent revenue for any financial year".
5	Delete the words "general revenue" and substitute therefor the words "Consolidated Fund".
6	Delete the word "Governor" and substitute therefor the word "Minister".

No. 50-1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

13th December, 1963.

AN ACT to Amend the Judicature (Supreme Court) Law.

[14th December, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Judicature (Supreme Court) (Amendment) Act, 1963, and shall be read and construed as one with the Judicature (Supreme Court) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Cap. 180.

2—Section 6 of the principal Law is hereby amended in the following respects—

Amendment
of section
6 of princi-
pal Law.

- (a) by deleting from subsection (2) of the section the words "and five Puisne Judges" and inserting

instead the words “, a Senior Puisne Judge and six other Puisne Judges”;

- (b) by deleting from the proviso to subsection (2) of the section the words “the Puisne Judges may be increased to six” and inserting instead the words “other Puisne Judges as aforesaid may be increased from six to seven”.

No. 51—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

24th December, 1963

AN ACT to Amend the Local Registered Stock Law.

[26th December, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Local Registered Stock (Amendment) Act, 1963, and shall be read and construed as one with the Local Registered Stock Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.
Cap. 229.

2—Section 18 of the principal Law is hereby repealed and the following substituted therefor—

Repeal and
replacement
of section 18
of principal
Law.

"Exemption
from stamp
duty.

18—(1) No stamp duty shall be payable in respect of the transfer of any stock issued under this Law unless prior to the issue of such stock the Minister by order

declares that stamp duty shall be payable on transfers of that issue of stock.

Act 51 of
1963.

(2) No stamp duty shall be payable in respect of the transfer of any stock issued under this Law between the 28th day of May, 1942 and the date of commencement of the Local Registered Stock (Amendment) Act, 1963.

(3) Subsection (2) of this section shall be deemed to have come into operation on the 28th day of May, 1942.”

Amendment
of section 23
of principal
Law.

3—Section 23 of the principal Law is hereby amended—

- (a) by deleting from subsection (1) the words “the Crown Agents who shall be”;
- (b) by deleting from the first proviso to subsection (1) the words “, with the approval of the Secretary of State,”;
- (c) by substituting for the words “Crown Agents” in subsection (2) the word “trustees”;
- (d) by substituting for the words “Secretary of State” wherever they appear in subsection (2) the word “Minister”; and
- (e) by adding thereto next after subsection (2) the following as subsections (3) and (4)—

“ (3) The trustees of any fund established pursuant to this section shall be the Financial Secretary, the Governor of the Bank of Jamaica and not more than two other persons appointed by the Minister to be trustees for the purposes of this Law.

(4) The Minister may give to the trustees such directions of a general character as to the policy to be followed by them in the exercise and performance of their functions under this Law as appear to the Minister to be necessary in the public interest.”

4—Section 31 of the principal Law is hereby repealed and the following substituted therefor—

Repeal and replacement of section 31 of principal Law.

"Payment into Consolidated Fund of unclaimed moneys.

31—(1) Where the Bank of Jamaica holds any sum for the purpose of paying—

(a) the principal amount of any registered stock due for redemption;

or

(b) dividend or interest accrued due on any registered stock,

and that sum is not claimed by a stockholder within two years from the date on which that sum became due, the Bank of Jamaica shall, if the Minister so directs, pay that sum into the Consolidated Fund.

(2) Notwithstanding the payment of any sum into the Consolidated Fund pursuant to subsection (1), the Bank of Jamaica may pay to any person showing his right thereto to the satisfaction of the Bank the amount of any sum so transferred and the Minister shall thereupon direct, without further appropriation than that provided by this subsection, that the Bank be reimbursed from the Consolidated Fund.

(3) Where the principal amount of any registered stock due for redemption is transferred to the Consolidated Fund pursuant to subsection (1), the Bank of Jamaica shall publish a notice in the *Gazette* showing the name of the holder of such registered stock and the amount so transferred."

5—The amendments specified in the second column of the Schedule to this Act, being minor amendments of the principal Law, shall be made in the provisions of that Law specified in the first column of that Schedule.

Minor amendments of principal Law. Schedule.

Transitional.

6—(1) Subject to the provisions of subsection (2), the amendments made in the principal Law by section 3 shall not have effect in relation to any sinking fund established pursuant to the principal Law prior to the date of commencement of this Act and accordingly the Crown Agents and the Secretary of State shall, subject as aforesaid, continue to carry out their functions in relation to such sinking fund as if section 3 had not been enacted.

(2) At the request of the Minister and subject to such terms and conditions as he may approve, the Crown Agents shall transfer and assign any sinking fund in respect of which they are trustees pursuant to the principal Law to the trustees appointed in accordance with the principal Law as amended by section 3; and thereupon all the rights, powers and duties of the Crown Agents and the Secretary of State in respect of such sinking fund shall cease and determine (save as respects any liability incurred prior to such transfer and assignment) and the trustees appointed in accordance with the principal Law as amended by section 3 shall, as trustees, administer such sinking fund in accordance with the provisions of the principal Law as amended by section 3.

SCHEDULE

(Section 5)

Section	Amendment
2	In subsection (1)— (a) delete from the definition of "Registrar" the word "by" and substitute therefor the word "under"; (b) delete the definition of "Accountant-General".
3	(a) In subsection (1) substitute the word "Minister" for the word "Governor" wherever it appears; (b) In subsection (2) delete the word "Accountant-General" and substitute therefor the words "Bank of Jamaica".
6	Delete the words "The Accountant-General" and substitute therefor the words "Such person as may from time to time be appointed by the Minister by order".
21	Delete the word "Accountant-General" and substitute therefor the words "Bank of Jamaica".
22	Delete the word "Accountant-General" and substitute therefor the words "Bank of Jamaica".
28	Delete the word "Accountant-General" and substitute therefor the words "Bank of Jamaica".

No. 52—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

24th December, 1963

AN ACT to Amend the Debentures (Local) Law.

[26th December, 1963]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Debentures (Local) (Amendment) Act, 1963, and shall be read and construed as one with the Debentures (Local) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title
and con-
struction.

Cap. 92.

2—Paragraph (14) of section 5 of the principal Law is hereby amended—

Amendment
of section 5
of principal
Law.

- (a) by deleting therefrom the words "Crown Agents" where they appear for the first time in the paragraph and substituting therefor the words "trustees appointed pursuant to section 5A";

- (b) by deleting therefrom the words "Crown Agents" where they appear for the second and third times in the paragraph and substituting therefor in each case the words "trustees aforesaid"; and
- (c) by deleting the words "Secretary of State" wherever they appear in the paragraph and substituting therefor the word "Minister".

Addition of
new section
5A to prin-
cipal Law.

3—The principal Law is hereby amended by adding thereto next after section 5 the following as section 5A—

"Trustees
of sink-
ing fund.

5A—(1) The trustees of any sinking fund established pursuant to section 5 shall be the Financial Secretary, the Governor of the Bank of Jamaica and not more than two other persons appointed by the Minister to be trustees for the purposes of this Law.

(2) The Minister may give to the trustees such directions of a general character as to the policy to be followed by them in the performance of their functions under this Law as appear to the Minister to be necessary in the public interest."

Addition of
new section
9 to prin-
cipal Law.

4—The principal Law is hereby amended by adding thereto next after section 8, the following as section 9—

"Payment
into Con-
solidated
Fund of
unclaimed
moneys.

9—(1) Where the Bank of Jamaica holds any sum for the purpose of paying—

- (a) the principal amount of any debenture due for redemption on a date named when the debentures were issued or pursuant to paragraph (20) of section 5; or
- (b) interest accrued due on any debenture,

and that sum is not claimed by the holder of the debenture within two years from the date on which that sum became due, the Bank of Jamaica shall, if the Minister so directs, pay that sum into the Consolidated Fund.

(2) Notwithstanding the payment of any sum into the Consolidated Fund pursuant to subsection (1), the Bank of Jamaica may pay to any person showing his right thereto to the satisfaction of the Bank the amount of any sum so transferred and the Minister shall thereupon direct, without further appropriation than that provided by this subsection, that the Bank be reimbursed from the Consolidated Fund."

5—The amendments specified in the second column of the Schedule to this Act, being minor amendments of the principal Law, shall be made in the provisions of that Law specified in the first column of that Schedule.

Minor
amend-
ments of
principal
Law.
Schedule.

6—(1) Subject to the provisions of subsection (2), the amendments made in the principal Law by sections 2 and 3 shall not have effect in relation to any sinking fund established pursuant to the principal Law prior to the date of commencement of this Act and accordingly the Crown Agents and the Secretary of State shall, subject as aforesaid, continue to carry out their functions in relation to such sinking fund as if sections 2 and 3 had not been enacted.

Transitional.

(2) At the request of the Minister and subject to such terms and conditions as he may approve, the Crown Agents shall transfer and assign any sinking fund held in trust by them pursuant to the principal Law to the trustees appointed in accordance with the principal Law as amended by sections 2 and 3; and thereupon all the rights, powers and duties of the Crown Agents and the Secretary

of State in respect of such sinking fund shall cease and determine (save as respects any liability incurred prior to such transfer and assignment) and the trustees appointed in accordance with the principal Law as amended by sections 2 and 3 shall, as trustees, administer such sinking fund in accordance with the provisions of the principal Law as amended by sections 2 and 3.

SCHEDULE

(Section 5)

Section	Amendment
2	Delete the word "Governor" and substitute therefor the word "Minister".
3	Delete the word "Governor" wherever it appears and substitute therefor the word "Minister".
5	<p>(a) Delete the word "Governor" and the words "Governor in Council" wherever they appear and substitute therefor the word "Minister";</p> <p>(b) delete the words "Colonial Secretary" and substitute therefor the words "Financial Secretary";</p> <p>(c) delete the word "Accountant-General" and the words "Accountant-General of the Island of Jamaica" wherever they appear and substitute therefor the words "Bank of Jamaica";</p> <p>(d) delete from paragraph (3) the word "Treasury" and substitute therefor the words "Bank of Jamaica";</p> <p>(e) delete from paragraph (20) the words "at the Treasury";</p> <p>(f) delete from paragraph (22) the words "by him";</p> <p>(g) delete from paragraph (25) the words "then on a fee of five shillings being paid into the Treasury," and the words "then without the payment of any such fee,".</p>
7	Delete the word "Governor" and substitute therefor the word "Minister".

No. 53—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

24th December, 1963

AN ACT to Make provision as to the operation of the law consequent on Tanganyika having become a Republic within the Commonwealth.

[9th December, 1962]

ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Tanganyika Republic Act, 1963, and shall be deemed to have come into operation on the 9th day of December, 1962.

Short title
and com-
mencement.

2—In this Act—

Interpreta-
tion.

“Minister” means the Minister for the time being responsible for External Affairs;

“Parliament” means the Parliament of Jamaica.

3—(1) On and after the commencement of this Act, all existing law, that is to say all law which, whether being a rule of law or a provision of an Act of Parliament or

Operation of
existing law.

of any other enactment or instrument whatsoever, is in force on that day or has been passed or made before that day and comes into force thereafter, shall, unless and until provision to the contrary is made by Parliament or some other authority having power in that behalf, and subject to the following provisions of this section, have the same operation in relation to Tanganyika, and persons and things belonging to or connected with Tanganyika, as it would have apart from this subsection if Tanganyika had not become a Republic.

(2) The Minister may, by order, make such adaptations in any Law or Act of Parliament passed before or after the commencement of this Act, or in any instrument having effect under any such Law or Act, as appear to him necessary or expedient in consequence of Tanganyika having become a Republic; and any such order may, though made after the commencement of this Act, be made so as to have effect from that day.

(3) Every order made under subsection (2) of this section shall be subject to negative resolution.

No. 54—1963

I assent,

[L.S.]

C. C. CAMPBELL,
Governor-General

24th December, 1963

AN ACT to Amend the Representation of the People Law.

[The date of any Notice issued by the Minister]
bringing the Act into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Act may be cited as the Representation of the People (Amendment) Act, 1963, and shall be read and construed as one with the Representation of the People Law (hereinafter referred to as the principal Law) and all amendments thereto and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title,
construction
and
commence-
ment.

Cap. 342.

Repeal and
replacement
of section 6
of principal
Law.

2—Section 6 of the principal Law is hereby repealed and the following section substituted therefor—

“Registra-
tion of
electors and
voting.

First
Schedule.

6—(1) Subject to the provisions of subsection (3) of this section every qualified person shall be entitled to be registered in accordance with the rules contained in the First Schedule to this Law as an elector for the polling division in which he is ordinarily resident on the date of registration.

(2) Subject to the provisions of subsection (3) of this section and of section 7 of this Law every person shall be entitled to vote at an election of a member of the House of Representatives for any constituency if his name appears upon the official list for a polling division comprised in such constituency unless—

- (a) subsequent to the date of registration he ceases to be a Commonwealth citizen or to be ordinarily resident in Jamaica; or
- (b) on election day he is an inmate of any mental hospital or undergoing any sentence of imprisonment.

(3) The following persons are incapable of being registered as electors and disqualified from voting at an election and shall not be so registered or vote at an election, that is to say—

- (a) the Chief Electoral Officer;
- (b) any person who on the date of registration or on election day is, under any law for the time being

in force in Jamaica, certified to be insane or otherwise adjudged to be of unsound mind or detained as a criminal lunatic;

- (c) any person who is under sentence of death imposed on him by a court in any part of the Commonwealth or is serving a sentence of imprisonment (by whatever name called) of or exceeding six months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court or is under such a sentence of imprisonment the execution of which is suspended;
- (d) any person who is disqualified for registration by or under any law for the time being in force in Jamaica because he has been convicted of any offence connected with the election of members of the House of Representatives or of any local authority or body for local purposes; and
- (e) any person who is disqualified from voting by reason of his employment for pay or reward in connection with the election in the constituency in which such person would otherwise be entitled to vote:

Provided that at an election the person who is performing the functions of a returning officer in a constituency shall, whether

registered as an elector or not, vote only where there is in that constituency an equality of votes on the final count of votes or on a recount, as in this Law provided.

(4) Nothing in this Law shall be construed as making it obligatory for any person to be registered under this Law or as subjecting a person to a penalty for failing to furnish an election officer with information relative to the registration of any person who is not registered or has not sought registration under this Law.

(5) Notwithstanding anything to the contrary no person shall be entitled to be registered as an elector for more than one polling division.”.

Repeal and replacement of section 8 of principal Law.

3—Section 8 of the principal Law is hereby repealed and the following section substituted therefor—

“Official lists.

First Schedule.

8—The Chief Electoral Officer shall in each year and in accordance with the rules set out in the First Schedule to this Law prepare an official list of electors in respect of every polling division and forthwith publish such list in the prescribed manner.”.

Amendment of section 9 of principal Law.

4—Section 9 of the principal Law is hereby amended by deleting subsection (1) and substituting therefor the following—

“9—(1) With a view to the preparation of the official list of electors in a polling division the Chief Electoral Officer shall have a house to house enquiry made in such polling division as to the persons entitled to be registered as electors in accordance

with subsection (1) of section 6 of this Law and those who have been so registered pursuant to that subsection.”.

5—The principal Law is hereby amended by inserting therein immediately after section 9 the following sections as sections 9A and 9B respectively—

Insertion
of new
sections
9A and 9B
in principal
Law.

“Identifica-
tion cards.

9A—(1) Subject to the provisions of this Law and of regulations made thereunder the Chief Electoral Officer shall in the prescribed manner and circumstances cause to be issued to every person registered as an elector an identification card or other prescribed document establishing his identity.

First
Schedule.

(2) Where the Minister considers it necessary or expedient for the proper identification of electors in any area comprising one or more polling divisions, that the identification card of each elector therein should bear the photograph of such elector, he may by order declare such area to be a prescribed area and the relevant provisions in the rules in the First Schedule to this Law shall apply as respects the registration and identification of electors in such area.

(3) Every order made under subsection (2) of this section may be varied or revoked by a subsequent order, and every order so made shall be subject to affirmative resolution of the House of Representatives.

Power of
Chief
Electoral
Officer to
require in-
formation.

9B—Subject to subsection (4) of section 6 of this Law the Chief Electoral Officer may by notice in the prescribed form require any person, within such time and in such

form as may be specified in such notice, to furnish him with such information as it is within the power of that person to give and as may be relevant to the registration, transfer of registration or the cancellation of registration of a person under this Law.”.

Repeal and replacement of section 16 of principal Law.

6—Section 16 of the principal Law is hereby repealed and the following section substituted therefor—

“Period of validity of official lists.

16—The official list of electors in respect of any polling division in any constituency prepared and published by the Chief Electoral Officer in accordance with the provisions of section 8 of this Law shall be the official list of electors for that polling division in respect of elections to the House of Representatives during such period as shall be prescribed by notice.”.

Repeal and replacement of section 96 of principal Law.

7—Section 96 of the principal Law is hereby repealed and the following section substituted therefor—

“Making claim knowing it to be false.

96—Every person who not being a qualified person, makes any claim for inclusion in any official list shall be guilty of an offence against this section and upon summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to be imprisoned with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment, unless he proves that at the time of making the claim he believed on reasonable grounds that he was a qualified person.”.

Insertion of new sections 96A and 96B in principal Law.

8—The principal Law is hereby amended by inserting therein immediately after section 96 the following sections as sections 96A and 96B respectively—

"Unlawfully obtaining or destroying identification documents."

96A—(1) Every person who—

- (a) obtains without lawful or reasonable cause (the proof of which shall be established by such person), the identification card of any other person or any other prescribed document establishing identity; or
- (b) wilfully damages or destroys any identification card or any other prescribed document establishing identity,

shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to imprisonment with or without hard labour for a term not exceeding two years and in addition thereto to a fine not exceeding two hundred pounds or on conviction before a Circuit Court shall be liable to imprisonment with hard labour for a term not exceeding five years.

(2) Any person who by means of any statement which he either knows to be false or has no reasonable cause to believe to be true obtains or attempts to obtain any identification card or any other prescribed document establishing identity shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a term not exceeding twelve months or to both such fine and imprisonment.

Wilfully
damaging
certain
articles
and equip-
ment.

96B—Every person who wilfully damages or destroys or without lawful authority takes away any camera or any other equipment, article or material of whatever kind used in the registration of electors shall be guilty of an offence and on summary conviction before a Resident Magistrate shall be liable to imprisonment with or without hard labour for a term not exceeding two years and in addition to such imprisonment shall be liable to a fine not exceeding two hundred pounds, or on conviction before a Circuit Court shall be liable to imprisonment with hard labour for a term not exceeding five years and in addition to such imprisonment shall be liable to such fine, not being less than one hundred pounds, as the Court may impose.”.

Repeal and
replacement
of section 98
of principal
Law.

9—Section 98 of the principal Law is hereby repealed and the following section substituted therefor—

“False state-
ments be-
fore return-
ing officer
and false
objections
by scruti-
neers.

98—(1) Every person who makes before a returning officer any statement upon oath or any solemn affirmation which he knows to be false or does not believe to be true shall be guilty of an offence and upon summary conviction before a Resident Magistrate shall be liable to imprisonment with hard labour for a term not exceeding two years, and in addition to such imprisonment shall be liable to a fine not exceeding two hundred pounds.

(2) Every scrutineer who objects to the registration of any person as an elector on grounds which he knows to be false shall be guilty of an offence and on sum-

mary conviction before a Resident Magistrate shall be liable to be imprisoned for a term not exceeding six months and in addition thereto to a fine not exceeding fifty pounds.”.

10—Section 112 of the principal Law is hereby amended in the following respects—

Amendment
of section
112 of
principal
Law.

- (a) by renumbering the existing section as subsection (1);
- (b) by deleting from paragraph (a) of subsection (1) as renumbered the words “any returning officer or revising officer” and substituting therefor the words “any election officer, other than the Chief Electoral Officer”;
- (c) by deleting paragraph (c) of subsection (1) and substituting therefor the following—
 - “(c) prescribing the hours between which returning officers shall sit for the purpose of determining claims and objections;”;
- (d) by deleting paragraph (f) of subsection (1);
- (e) by deleting paragraph (h) of subsection (1) and substituting therefor the following—
 - “(h) prescribing the manner in which the official lists shall be published and the number of such lists to be printed;”;
- (f) by deleting the fullstop at the end of subsection (1), substituting therefor a semi-colon and adding the following—

- “(l) providing for the collection and recording of information in relation to persons registered or to be registered under this Law;
- (m) with respect to the cancellation or transfer of registration of any person;
- (n) for the making, in respect of any registered person, of returns containing particulars of any change of circumstances affecting the accuracy of such of the particulars recorded in the electoral register in relation to that person as may be prescribed;
- (o) regulating the issue or replacement of identification cards and such other documents establishing identity as may be prescribed;
- (p) providing for the surrender of an identification card or other prescribed document establishing identity in relation to a person who dies, and in such cases as may be prescribed for the surrender of an identification card or other prescribed document establishing identity relating to a person who leaves Jamaica;
- (q) providing for the maintenance of the electoral register; and

(r) prescribing any other matter or thing which is required by this Law to be prescribed.”; and

(g) by adding the following as subsections (2) and (3)—

“(2) Notwithstanding the provisions of section 26 of the Interpretation Law, regulations made under this section may prescribe greater penalties than those specified in the said section 26, so, however, that the maximum penalty that may be imposed shall be imprisonment with hard labour for a term of two years and a fine of two hundred pounds.

(3) Regulations made under paragraphs (m) and (o) of subsection (1) of this section shall be subject to negative resolution of the House of Representatives.

11—The First Schedule to the principal Law is hereby repealed and the provisions set out in the First Schedule to this Act are substituted therefor.

Repeal and replacement of First Schedule to principal Law.

12—For the purpose of giving effect to the objects of this Act—

Consequential repeals and amendments.

(a) the provisions of the principal Law specified in Part I of the Second Schedule to this Act are hereby repealed;

Second Schedule.

(b) the several provisions of the principal Law specified in Part II of the Second Schedule to this Act are hereby amended in the manner respectively so specified.

Transi-
tional
provisions
Act 54
of 1963.

13—The official list in force immediately prior to the commencement of the Representation of the People (Amendment) Act, 1963, shall be deemed to be the current official list for the purposes of the preparation of the official list in the year 1964 and shall continue in force until the last mentioned official list has been published in the prescribed manner and comes into force.

FIRST SCHEDULE (Section 11)

“FIRST SCHEDULE (Sections 8 & 9(2))
Rules for the Preparation of Official Lists

PART I—*Residential qualifications*

1. In every year the first day of February shall be deemed to be the date of registration.

2. For the purposes of enumeration and registration under the Law every person shall be deemed to reside in the polling division in which he was ordinarily resident on the date of registration.

3. No person shall, for the purposes of the Law, be deemed to be ordinarily resident on the date of registration in any polling division to which he has come for the purpose of engaging temporarily in any employment of a seasonal character.

4. Subject to the provisions of rules 2, 3, 5, 6 and 7 of this Schedule the question as to whether a person is or was ordinarily resident at any material period shall be determined by reference to all the facts of the case.

5. The place of ordinary residence of a person is, generally, that place which has always been, or which he has adopted as, the place of his habitation or home, whereof when away from there he intends to return. Specifically, when a person usually sleeps in one place and has his meals or is employed in another place, the place of his ordinary residence is where the person sleeps.

6. Generally, a person's place of ordinary residence is where his family is; if he is living apart from it in another place, the place of ordinary residence of such person is such other place. Temporary absence from a place of ordinary residence does not cause the loss or change of place of ordinary residence:

Provided that any person who has more than one place of ordinary residence may elect in respect of which place he desires to be registered and inform the enumerator accordingly in such manner as may be prescribed.

7. Any person on actual service with or embodied in any unit of the regular Force in the Jamaica Defence Force shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time that he entered upon such actual service or was embodied as the case may be, unless he has thereafter established some other ordinary residence in the Island.

PART II—Enumeration

8. In these Rules "enumeration" means in relation to the preparation of the official list of a polling division the listing of persons residing in that polling division on the date of registration who are qualified—

- (a) to vote; or
- (b) to be registered as electors,

in that polling division.

9. (1) On the date of registration or so soon as may be convenient thereafter the enumerator in the company of the scrutineers attending shall proceed to ascertain and record the name, address (including district and post office), occupation and other required particulars of every person residing in the polling division for which the enumerator has been appointed and who is qualified to vote or to be registered as an elector under the provisions of the Law as respects that polling division, obtaining the information required by a house to house enquiry and from such other source as may be available to him.

The enumerator shall notify every scrutineer appointed for a polling division of the times and places where he will start enumerating from day to day and from time to time.

(2) No person who during the course of such enquiry is undergoing any sentence of penal servitude or imprisonment and is not released before the completion of the enquiry shall be enumerated.

(3) During the course of such enquiry the enumerator shall upon the oral request of any person who he is satisfied is qualified as aforesaid issue a certificate of enumeration in the prescribed form certifying the enumeration of that person:

Provided that different forms of the certificate may be prescribed as respects persons who are already registered under the rules in Part III of this Schedule and persons who are not registered and any form so prescribed may contain directions authorising variations in the manner in which it should be completed in specified circumstances.

(4) A certificate of enumeration shall be issued in duplicate and the enumerator shall record the required particulars obtained from information given him by the person who is being enumerated and subject to paragraph (5) of this rule affix his signature in ink on the original of the certificate and by means of carbon on the duplicate and shall deliver the duplicate to the person enumerated.

(5) Before affixing his signature as aforesaid and delivering the duplicate to the person enumerated, the enumerator shall require that person, unless he is unable to do so by reason of illiteracy or physical disability, to read the certificate of enumeration and after satisfying himself that the contents thereof are correct sign a declaration thereon in duplicate verifying the particulars given by him to the enumerator and entered on the certificate.

(6) An objection to the issue of a certificate of enumeration in respect of any person by the enumerator may be made by notice in the prescribed form to the appropriate returning officer by a scrutineer

assigned to the enumerator and the scrutineer shall furnish the person in respect of whom the certificate was issued with a copy of such notice.

(7) Pursuant to paragraph (6) of this rule the returning officer shall as soon as practicable summon the scrutineer to appear before him to give evidence concerning his objection.

(8) Subject to the provisions of the rules in this Schedule, every person in respect of whom a certificate of enumeration has been issued pursuant to paragraph (3) of this rule or rule 18 of this Schedule shall be registered as an elector for the polling division in which he ordinarily resides:

Provided that where the returning officer cancels the certificate of enumerator of any person for a polling division in accordance with the provisions of rule 17 of this Schedule such person shall not be registered as an elector in respect of that polling division and if he has been so registered the Chief Electoral Officer shall cause his registration to be cancelled.

(9) Where a person is being registered pursuant to paragraph (8) of this rule such registration shall be carried out in accordance with the rules in Part III of this Schedule.

10. (1) Each enumerator conducting the house to house enquiry shall be supplied by the Chief Electoral Officer with the current official list for the polling division in which he is appointed to act and any accompanying scrutineer shall obtain a similar list from the political party by which he was appointed.

(2) The enumerator shall record whether the electors whose names appear on the current official list were ordinarily resident on the date of registration in the polling division at the dwelling place indicated opposite their names on that list.

(3) Where, upon the enumeration of any person who is already registered under the rules in Part III of this Schedule and whose name appears upon the current official list for a polling division in which he is ordinarily resident on the date of registration, it appears that any change has taken place as respects the registered particulars of that person, the necessary amendments in the forms and documents relating to his registration shall be effected by such person and in such manner as the Chief Electoral Officer shall direct.

11. Where during the course of the house to house enquiry the enumerator refuses the oral request of any person for a certificate of enumeration, he shall issue a notice of refusal (original and copies) in the prescribed form and leave with such person the original of the notice and inform him that he may appear before the appropriate returning officer when directed by notice in writing by that officer to do so if he wishes to justify his claim; and the enumerator shall give a copy of the notice to each scrutineer and in due course transmit the remaining copy to the returning officer.

12. The names of—

- (a) persons whose oral requests for enumeration have been refused by the enumerator; and

- (b) persons against whose enumeration objection has been taken by a scrutineer,

shall be recorded by the enumerator in a register supplied by the Chief Electoral Officer, and after the house to house enquiry has been completed, such register shall be given by the enumerator to the returning officer.

13. (1) Where the enumerator is unable to locate any of the electors whose names appear on the current official list, he shall indicate on the prescribed form the following information with respect to each elector he is unable to locate, namely, that the elector in question—

- (a) is not ordinarily resident in the dwelling place which appears opposite his name on such list;
- (b) is dead;
- (c) is not known;
- (d) is not to the best of his knowledge and belief ordinarily resident in the polling division; or
- (e) ordinarily resides at a dwelling place (to be named) which is situated in the same constituency.

(2) If the enumerator has grounds for believing that a person whose name appears on the current official list does not wish or is not entitled to be enumerated, entries stating the grounds for such belief shall be made on the form mentioned in paragraph (1) of this rule by the enumerator accordingly.

(3) The enumerator shall—

- (a) where he has made an entry on the prescribed form pursuant to paragraph (1) or (2) of this rule address to the elector in respect of whom the entry is made and leave with him or, in his absence, with some other person at the dwelling place which appears opposite the elector's name on the current official list a notice in the prescribed form informing the elector that he may appear before the returning officer to refute the statement made in the entry; and
- (b) where the notice has not been left with the elector pursuant to sub-paragraph (a) of this paragraph forward by registered mail to him a true copy of the notice.

14. The enumerator shall exercise the utmost care in conducting the house to house enquiry in the polling division for which he has been appointed and he shall take all necessary precautions to ensure that he obtains accurate information regarding the name, occupation, address and other required particulars of persons in the polling division and that he has not enumerated any person who is not qualified to vote or to be registered as an elector.

15. The current official list together with any completed forms and the register for which provision is made in rule 12 of this Schedule shall be forwarded to the returning officer by the enumerator together with the oath prescribed by Form 41 of the Second Schedule to this Law.

16. If any notice forwarded pursuant to paragraph (3) of rule 13 of this Schedule is returned by the post office as undelivered the enumerator shall deliver such notice to the returning officer.

17. (1) If, in consequence of information received by him, the returning officer suspects that a person in respect of whom a certificate of enumeration has been issued by an enumerator for a polling division is not qualified to be enumerated in respect of that polling division he may summon that person to appear before him and after a fair hearing shall cancel the certificate of enumeration if he is satisfied that such person is not qualified as aforesaid:

Provided that where a person who is summoned as aforesaid fails to appear the hearing may take place in his absence.

(2) Where a certificate of enumeration has been cancelled pursuant to paragraph (1) of this rule the returning officer shall forward to the Chief Electoral Officer a notice in the prescribed form informing him of the cancellation of the certificate; and where the person in respect of whom the certificate was issued failed to appear at the hearing, a copy of the notice shall be sent to him by registered mail.

18. (1) The returning officer shall deal with the cases of persons whose oral requests for enumeration were refused by the enumerator or in respect of whom entries were made on the prescribed form pursuant to paragraph (1) or (2) of rule 13 of this Schedule and if any such person appears in person before the returning officer and satisfies him that he is entitled to be enumerated in respect of the relevant polling division within his constituency the returning officer shall, if the person so wishes, duly issue a certificate of enumeration.

(2) If any person in respect of whom entries were made on the prescribed form pursuant to paragraph (1) or (2) of rule 13 of this Schedule does not appear before the returning officer, the returning officer may issue to that person a notice of the kind described in paragraph (3) of the said rule 13.

19. (1) Subject to the provisions of paragraph (2) of this rule the returning officer when sitting for the purpose of hearing claims, objections, and other matters under the rules in this Schedule shall have all the powers of a Resident Magistrate in relation to the calling and the examining of any witness and the administering or causing to be administered to any person of an oath.

(2) Every person who is required to take an oath in pursuance of the provisions of this rule may elect to make a solemn affirmation instead of taking such oath.

(3) Every oath administered or caused to be administered by a returning officer shall be in the prescribed form.

PART III—Registration

20. In this Part of these Rules—

“inventory form” means a registration record inventory form referred to in rule 23;

“prescribed area” means an area declared by the Minister by order under section 9A of the Law;

“registration officer” means—

- (a) in relation to the registration of persons in any polling division within a prescribed area, an election officer nominated by the Chief Electoral Officer for the purpose; and
- (b) in relation to the registration of persons in any other polling division—
 - (i) the enumerator appointed for such polling division; or
 - (ii) in any case where a certificate of enumeration has been issued by a returning officer pursuant to rule 18 of this Schedule, that returning officer or an election officer nominated by him;

“registration number” means the number printed on a registration record card as provided by paragraph (2) of rule 25.

21. (1) The Chief Electoral Officer shall establish and maintain an electoral register for the Island which shall consist of the registration record and thumb print, cards of all persons registered under these Rules.

(2) Subsections (2), (3) and (4) of section 59 of the Law shall apply as respects the electoral register in like manner as they apply to the election documents and papers mentioned in subsection (1) of that section.

(3) Where it appears to the Chief Electoral Officer that any person has been or is about to be registered as an elector for more than one polling division contrary to subsection (5) of section 6 of the Law, he shall, without prejudice to any criminal or other proceedings which may be taken in the matter, take such steps and issue such directions as will cause the same to be remedied.

22. There shall be supplied by the Chief Electoral Officer to every registration officer—

- (a) unused registration record cards;
- (b) unused thumb print cards; and
- (c) such other documents and material as may be necessary for the performance of his duties.

23. The Chief Electoral Officer shall include a number of registration record inventory forms, in the prescribed form, sufficient for entries to be made thereon in respect of every registration record card supplied to the registration officer pursuant to rule 22 of this Schedule; and every registration officer shall keep an inventory on such form of every registration record card used by him.

24. (1) The registration of persons qualified to be registered shall be effected in the manner set out in the rules in this Part.

(2) Every person in respect of whom a certificate of enumeration is issued shall, so soon as may be convenient, be registered by the registration officer if he has not been previously registered; but where he had been so registered and it is necessary to re-register him or to effect a transfer of registration, the registration officer shall notify the

Chief Electoral Officer accordingly and the re-registration or transfer of registration, as the case may be, shall be effected by such person and in such manner as the Chief Electoral Officer shall direct:

Provided that where objection has been taken by a scrutineer to the issue of a certificate of enumeration in respect of any person pursuant to paragraph (6) of rule 9 of this Schedule, the registration of such person may be deferred until the appropriate returning officer has decided the issue.

(3) The registration officer shall cause a registration record card and a thumb print card to be prepared for each person in respect of whom a certificate of enumeration has been issued and who is being registered by him.

25. (1) The registration record card shall be in duplicate in the prescribed form.

(2) There shall be printed on every registration record card a registration serial number which shall be different for each card.

26. The registration officer shall—

- (a) record in ink on the original and duplicate of the registration record card of each person being registered the required particulars which shall be obtained from the duplicate of the certificate of enumeration issued in respect of such person;
- (b) require the person being registered, unless he is unable to do so by reason of illiteracy or physical infirmity, to read the registration record card and sign it in duplicate after satisfying himself that the contents thereof are correct;
- (c) sign the original and duplicate of the registration record card.

27. Where a person who is being registered is unable to read, the registration officer shall read over to him and where practicable in the presence of scrutineers, the contents of his registration record card.

28. (1) A thumb print card shall be in the prescribed form and shall bear the appropriate registration serial number and the registration officer shall in respect of a person who is being registered record the required particulars thereon, and save where such person has no hand or has no finger on either hand, require him to make one or more impressions in ink on the card as follows—

- (a) with his right thumb; or
- (b) with his left thumb, should he not have a right thumb; or
- (c) with any other finger, should he not have any thumb.

(2) Where an impression is made under paragraph (1) of this rule with a finger other than the right thumb the registration officer shall make a note of the finger with which it is made upon the thumb print card of the person who made such impression.

(3) Where a person has no hand or has no finger on either hand an appropriate note shall be made on the registration record card and thumb print card of such person.

29. The registration officer shall, in respect of a person whose registration record card and thumb print card have been completed, record

on the duplicate of the certificate of enumeration of that person the appropriate registration number.

30. (1) In every polling division within a prescribed area, the registration officer shall cause the photograph of every person whose registration record card and thumb print card have been completed, to be taken.

(2) Notwithstanding any other rule the registration of a person in any polling division within a prescribed area shall not be completed until his photograph has been taken in accordance with paragraph (1) of this rule.

31. (1) A registration officer, upon being satisfied that a registration record card cannot properly or conveniently be used or that he is unable to complete such card, shall cancel it by writing the word "spoilt" thereon.

(2) A registration record card or an identification card that has not been completed or cannot be used because of the cancellation of a certificate of enumeration shall be cancelled by the Chief Electoral Officer or registration officer, as the case may be, marking upon it the word "disallowed".

(3) Paragraphs (1) and (2) of this rule shall apply as respects a thumb print card as they apply in relation to a registration record card.

(4) Where a registration record card has been cancelled by a registration officer under paragraph (1) or (2) of this rule he shall record such cancellation upon the inventory form in respect of such registration record card.

32. (1) The Chief Electoral Officer or a registration officer may correct any clerical error in a registration record card or an identification card or a thumb print card that has been caused by inadvertence.

(2) A correction made under this rule shall be initialled and dated by the Chief Electoral Officer or the registration officer, as the case may be, and if practicable by the person to whom the card relates.

33. At such times as the Chief Electoral Officer may direct, the registration officer shall deliver to the appropriate returning officer all cards, forms, and other documents that have been completed or used by him or delivered to him in the performance of his duties and the returning officer shall place the documents with similar documents already in his possession and shall forward such documents or any of them to the Chief Electoral Officer upon his request.

34. On receipt of the registration record card of any person the Chief Electoral Officer shall—

- (a) cause to be entered on an identification card (which shall be in the prescribed form) the required particulars in respect of such person including his name and registration number;
- (b) where such person has been registered as respects a polling division within a prescribed area, cause prints of the exposed film of the photograph of such person which was taken pur-

suant to paragraph (1) of rule 30 of this Schedule to be attached to the identification card and to the original and duplicate of the registration record card of such person;

- (c) cause the identification card to be laminated;
- (d) forward the laminated identification card to the returning officer.

PART IV—Official List

35. (1) So soon as may be convenient after he has completed as respects any polling division the matters mentioned in rules 9, 17 and 18 of this Schedule the returning officer shall forward to the Chief Electoral Officer—

- (a) the certificates of enumeration issued in relation to such polling division together with any other forms and documents which the Chief Electoral Officer may require;
- (b) the cards, forms and other documents mentioned in rule 33 of this Schedule which might not already have been transmitted at the request of the Chief Electoral Officer.

(2) The official list shall be prepared by the Chief Electoral Officer from the certificates of enumeration and other documents mentioned in paragraph (1) of this rule, and the Chief Electoral Officer in doing so shall take all necessary precautions to ensure that the official list for a polling division does not contain the name of any person who is not registered as an elector for that polling division.

(3) The official list shall be certified, printed and published by the Chief Electoral Officer in the prescribed manner not later than the thirty-first day of October in each year.

36. (1) Subject to the provisions of paragraph (2) of this rule, in urban areas—

- (a) where the area comprised in any polling division is divided geographically, for example, into streets, roads, avenues or lanes and the houses therein are designated by numbers, the official list shall be arranged with reference to the names of such streets, roads, avenues or lanes and shall specify the number, if any, of the houses wherein each elector resides,
- (b) where the area comprised in any polling division is not divided geographically, the official list shall be arranged in the alphabetical order of the names of the electors therein.

(2) If the Chief Electoral Officer thinks it expedient to do so, he may direct that the geographical arrangement of electors' names required by paragraph (1) (a) of this rule shall be replaced by an arrangement in alphabetical order or that the alphabetical order of electors' names required by paragraph (1) (b) of this rule shall be replaced by such other arrangement as the Chief Electoral Officer may direct.

(3) In rural areas the names of electors shall be arranged in the official list in the order of the household of which the electors are

members and the address of each elector shall include the name of the district in which he resides and the post office by which he is served.

(4) The names of electors in both urban and rural areas shall be numbered in the official list in numerical sequence.

37. The Chief Electoral Officer shall, as far as practicable, in such list, record the name of a married woman or widow under the name and surname of her husband or deceased husband, as the case may be, prefixing each name with the abbreviation "Mrs". The name of an unmarried woman shall be prefixed by the word "Miss".

38. If the Chief Electoral Officer is satisfied that the name of any elector has been inadvertently omitted or incorrectly recorded during the process of preparing the official list he shall be empowered to add to such list the name of the elector omitted or to correct the error, as the case may be, by means of a Statement of Changes duly certified by him; and in like manner he may remove from the official list for a polling division the name of any person who is not registered as an elector for such polling division.

39. (1) If at any time between the date of registration and the day mentioned in paragraph (3) of rule 35 of this Schedule the Chief Electoral Officer is satisfied that as respects any polling division the official list prepared or to be prepared consequent upon a house to house enquiry is for any reason likely to be substantially inaccurate or will not be available for publication in accordance with the said paragraph he shall by notice in the *Gazette* apply the provisions of this rule to such polling division.

(2) Upon the publication of the notice referred to in paragraph (1) of this rule every certificate of enumeration, notice of objection and every other certificate, notice or claim of a similar character in relation to the polling division to which the provisions of this rule have been applied shall become void and of no effect.

(3) So soon as may be after the publication of the notice referred to in paragraph (1) of this rule, the Chief Electoral Officer shall appoint a day for the commencement of a fresh preparation of the official list for the polling division which shall as far as possible be carried out in accordance with the rules in this Schedule and within such period as the Chief Electoral Officer may notify to the returning officer concerned.

PART V—Miscellaneous

40. (1) Where any form, document or film required to be sent to the Chief Electoral Officer under the rules in this Schedule is not received by him or is lost or is cancelled in error or there is any error or insufficiency therein the Chief Electoral Officer may require the appropriate enumerator, registration officer or returning officer to cause the same to be remedied.

(2) The provisions of the rules in this Schedule which govern any action which might have been taken in the first instance in respect of such form, document or film shall apply in respect of the said form,

document or film, and action may be taken thereunder to effect the said remedy.

41. (1) At such time as the Chief Electoral Officer may direct the returning officer shall cause a completed identification card to be delivered to the person to whom it relates in exchange for the duplicate of the certificate of enumeration issued in respect of such person and on which the appropriate registration number has been recorded in accordance with rule 29 of this Schedule.

(2) The identification card shall be delivered by the enumerator or such other person as may be designated by the Chief Electoral Officer.

(3) The returning officer shall give at least fourteen days' notice in a newspaper printed and circulating in the Island and to each political party by whom a scrutineer has been appointed for a polling division, of the time when and the place where the person delivering identification cards in such polling division will be stationed to do so or will be setting out to deliver the same; and every such scrutineer shall be entitled to accompany, and to witness the delivery of the cards by, that person.

(4) Where the person delivering an identification card is satisfied—

(a) that the person to whom it relates is unable to produce the duplicate of the certificate of enumeration issued in respect of him; and

(b) as to the identity of such person,

he may issue the identification card to the person to whom it relates on such person giving him a receipt therefor in a form approved by the Chief Electoral Officer."

SECOND SCHEDULE

(Section 12)

PART I

Provisions of the principal Law repealed by this Act.

Sections 72, 79

PART II

Provisions of the principal Law amended by this Act.

Section 2: (a) Delete the definition of "constituency" and substitute therefor the following—

" "constituency" has the meaning assigned to it by the Constitution of Jamaica;".

(b) Delete from the definition of "election officer" the words "revising officer".

(c) Insert immediately after the definition of "constituency" the following—

“ “date of registration” means the prescribed date in relation to which the right of a qualified person to be registered as an elector in a polling division shall be determined;”.

(d) Delete from the definition of “official list” the words “rule 29 of”.

(e) Delete the definition of “qualified person” and substitute therefor the following—

“ “qualified person” means any person who is qualified in accordance with the provisions of section 37 of the Constitution of Jamaica to be registered as an elector;”.

(f) Delete the definitions of “qualifying date”, “revisal district” and “revising officer”.

Section 7: Delete from paragraph (a) of subsection (3) the words “revising officers”.

Section 10: (a) Delete from subsection (1) the words “Chief Electoral Officer shall on the recommendation of the returning officer” and substitute therefor the words “Governor-General shall”.

(b) Delete from subsection (3) the words “Chief Electoral Officer may, on the recommendation of the returning officer,” and substitute therefor the words “Governor-General may”.

Section 11: Delete subsection (1) and substitute therefor the following—

“(1) Each political party having five or more members in the House of Representatives shall be entitled to appoint one person as scrutineer in respect of each polling division and shall, as soon as practicable after the appointment of a scrutineer, supply his name and address in writing to the Chief Electoral Officer.”.

Section 12: Delete from subsection (4) the words “five pounds” and substitute therefor the following—

“one hundred pounds and in addition to be imprisoned for a term not exceeding six months.”.

Section 14: Insert in subsection (1) of this section immediately after the words “as to the persons” the words “registered or”.

Amend subsection 2 (a) of this section by inserting after the word ‘daylight’ the words:

“except between the hours of 5 a.m. and 9 p.m.”

Section 15: Amend subsection (2) by—

(a) inserting immediately after the words “shall be liable” the words “to a fine not exceeding one hundred pounds, and”; and

- (b) deleting the words "six months" and substituting therefor the words "twelve months".
- Section 27: Delete from subsection (6) the words "Jamaica Battalion" wherever those words appear and substitute therefor the words "regular Force in the Jamaica Defence Force".
- Section 37: Delete from paragraph (b) of subsection (2) the word "registration" wherever that word appears in the paragraph.
- Section 39: (a) Delete from paragraph (i) of subsection (1) the word "and".
(b) Delete the fullstop at the end of subsection (j), substitute therefor a semi-colon and the word "and" and add the following paragraph—
 "(k) the duplicate registration record card of every elector whose name appears on the official list for use at that polling station."
- Section 41: Insert immediately after subsection (4) the following subsections as subsections (5) and (6)—
 "(5) Notwithstanding anything to the contrary no elector shall receive a ballot paper or be permitted to vote unless he produces to the presiding officer his identification card or other prescribed document establishing his identity:
 Provided that where a prescribed document of identity has been issued in substitution for an identification card only that document shall be produced to and accepted by the presiding officer.
 (6) The candidates, the agents of candidates or any elector representing a candidate in the polling station shall be permitted to examine any identification card or other prescribed document establishing identity produced pursuant to subsection (5) of this section."
- Section 50: Insert in subsection (4) immediately after the words "and occupation" where those words appear for the first time the words "and produce to the presiding officer his identification card or other prescribed document establishing his identity, as the case requires and answer any questions asked by the presiding officer concerning his identity."
- Section 51: (a) Delete from paragraph (c) of subsection (12) the word "and".
(b) Delete the comma at the end of paragraph (d) of subsection (12) and substitute therefor a semi-colon and the word "and" and add the following paragraph—

“(e) the duplicate registration record cards.”.

Section 71: Delete from subsection (1) the words “on the recommendation of the Chief Electoral Officer”.

Section 73: Delete from subsection (1) the words “Chief Electoral Officer” and substitute therefor the word “Governor-General”.

Section 74: (a) Delete subsection (1) and substitute therefor the following—

“(1) Forthwith upon the election clerk commencing to discharge the duties of the returning officer in accordance with section 73 of this Law the Governor-General shall appoint a substitute election clerk who, unless sooner removed, shall perform all the duties and exercise all the powers of the election clerk until such time as the election clerk ceases to perform the duties and to exercise the powers of the returning officer.”.

(b) Delete from subsection (3) the words “the Governor may in any particular case appoint” and substitute therefor the words “may be prescribed”.

Section 76: (a) Delete from subsection (1) the words “Returning Officer” and substitute therefor the words “Governor-General”.

(b) Delete subsection (3).

Section 77: Delete from subsection (1) the words “returning officer” and substitute therefor the word “Governor-General.”

Section 97: Delete the words “twenty-five” and “three” and substitute therefor the words “fifty” and “six” respectively.

Section 103: Delete the word “exceeding” where it appears for the first time and substitute therefor the words “less than six months nor more than”.

Section 105: Delete the words “one hundred” and substitute therefor the words “two hundred”.

Section 110: Delete the words “fifty” and “six” and substitute therefor the words “one hundred” and “twelve” respectively.

Section 114: Delete from subsection (2) the words “five” and “one month” and substitute therefor the words “twenty-five” and “three months” respectively.

- Section 115: (a) Delete the semi-colon and the word "or" at the end of paragraph (c) and substitute therefor a fullstop.
- (b) Delete paragraph (d).
- Section 119: Delete from paragraph (b) of subsection (3) the words "British subject" and substitute therefor the words "Commonwealth citizen resident in Jamaica".
- Section 120: Delete from subsection (3) the words "five" and "one month" and substitute therefor the words "twenty-five" and "three months" respectively.
- Section 121: Delete from subsection (3) the words "five" and "one month" and substitute therefor the words "twenty-five" and "three months" respectively.
- Second Schedule: Delete Forms No. 33, 37, 38 and 39.
- Fifth Schedule: (a) Delete the words "Commander, Caribbean Area" wherever those words appear and substitute therefor the words "Officer commanding the regular Force in the Jamaica Defence Force".
- (b) Delete rule 12.

